



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.456 OF 2025

Santosh @ Chingya Sainath Tarte,
Age : 19 years, Occu. : Labour,
R/o. Tehara Nagar, Nanded.

... Applicant

Versus

The State of Maharashtra,
At the instance of Itwara
Police Station, Nanded.

... Respondent

.....

Mr. Abhaysinh K. Bhosle, Advocate for Applicant.
Mr. V. M. Chate, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 MAY 2025

PRONOUNCED ON : 05 MAY 2025

ORDER :

1. Applicant seeks relief of regular bail on account of his arrest in Crime No.0345 of 2023 registered at Itwara police station, Dist. Nanded for offence punishable under sections 302, 307, 122(B), 294, 201, 384, 386, 387, 504, 506, 143, 147, 148 r/w section 149 of IPC and under sections 4/25 and 4/27 of the Arms Act and under section 135 of the Maharashtra Police Act.

2. According to learned counsel, 32 to 40 persons are involved in above crime. That, in occurrence allegedly taking place on 06.11.2023 of which crime is registered on next day. That,

present applicant is arrested on 01.10.2024. That, only role attributed to present applicant is that he has planned for assault. That, there is no overt act or actual participation of present applicant. That, co-accused namely Santosh and Akash are granted bail. Therefore on the ground of parity, applicant also deserves similar relief and hence he urges for grant of bail.

3. Learned APP opposed on the ground that, there is eye witness account. That, present applicant allegedly collected the arms and distributed to other co-accused. That, there is brutal murder in the market for not paying ransom. That, informant himself is injured. Cause of death is said to be chop injury to head and stab injuries to abdomen. Therefore offence being grave, learned APP seeks rejection.

4. Heard. Perused the FIR dated 07.11.2023 at the instance of one Abhimanyu, who has named almost 23 persons and their associates for committing above crime. He reported that his maternal cousin Sagar conducts business of daily needs and finance. That, on 06.11.2023, his such cousin called him and informed that accused Keshav allegedly threatened him to pay money if at all he is to conduct business. That, around 8.00 p.m., when informant, his such cousin Sagar and uncle's son Monu, after

extending birthday greetings to his uncle, were chatting in front of a jeweler's shop, at that time, from the direction of Pratibha Niketan School said Keshav, his brother, nephew and several persons named therein allegedly came on motorcycles and, it is alleged that, Sagar and Monu were caught hold by their collars and were tried to be forcibly taken on motorcycle. When they resisted, it is alleged that, those persons mounted assault on both, Monu and Sagar, by articles like sword, knife, khanjar and also gave kicks and fist blows. Sagar succumbed at the spot itself, whereas Monu was taken to the hospital. Several persons are named for mounting assault, including present applicant. Present informant was also said to be assaulted. Postmortem report shows that, deceased suffered as many as 18 wounds, most of which are incise wounds, and cause of death is said to be chop injury to head and stab injuries to abdomen.

5. Present application is pressed primarily on the ground of parity that co-accused namely Akash Lule and Santosh Solanke are granted bail vide Bail Application No.578 of 2025 and Bail Application No. 431 of 2025, respectively. It is further added that, investigation which is over, revealed that, present applicant allegedly participated in planning and collecting arms and nothing beyond it.

6. Copies of the above previous bail orders are placed on record. No doubt, that this court had granted bail to Santosh and Akash. Considering the statement made across the bar that case is already committed on February 2024 and no charge has been framed and current status of the matter in the trial court was also not reported. Learned APP has at that time not denied that charge was not framed yet. Precisely taking the same into consideration, as crime is of 2023 and arrest was of January 2024, relief to both above co-accused were granted.

7. Perused the summary of the charge-sheet, wherein allegations of extortion of money are levelled against main accused Keshav and his brother and along with them their associates, who are running into almost 29 accused and 10 juvenile accused are said to be involved in the incident dated 06.11.2023. As regards to present applicant is concerned, there are allegations that, 38 persons came together after which Santosh Solunke and Sangram Pardeshi brought weapons from house of Sangram. After which Keshav Nahare, Gurupritsingh, Santosh @ Chingya Tarte (i.e.present applicant) and Santosh Bhimrao Solanke gave information of the conspiracy to other accused. Thereafter, Gurpritsingh, present applicant and Pritam Pawar waited near Shanti Mandir, after which main accused and his 34 associates

used 13 motorcycles to go to Sarafa Bazar, Nanded and there it is alleged that, assault was made on Sagar by all of them. Therefore, prima facie, from above text, it is emerging that as submitted role attributed to present applicant is of participating in planning. Charge sheet shows recovery is caused from other accused.

8. Therefore, considering the above role and taking the above fact into consideration that charge is not framed in spite of arrest of applicant in 2024 and charge sheet being filed way back in 2024 itself, only on the ground of long pretrial incarceration, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :

ORDER

I. The application is allowed.

II. Applicant Santosh @ Chingya Sainath Tarte be released on bail in connection with Crime No.0345 of 2023 registered with Itwara Police Station, District Nanded, on executing Personal Bond of Rs. 50,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not contact co-accused.

[c] The applicant shall not enter the vicinity where the informant resides, till conclusion of trial.

[d] Till conclusion of trial, the applicant shall not leave the area of jurisdiction of the concerned police station without leave of the trial court.

[e] The applicant shall attend the concerned police station twice in every month, i.e. on every 1st and 16th day of every month and maintain personal diary of his attendance till trial is concluded.

[f] The applicant shall furnish proof of his residence and cell number to the police, with an undertaking that he would not change it until the trial is concluded.

[g] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)