



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 BAIL APPLICATION NO. 778 OF 2025

TUKARAM ALIAS NILESH BACCHU PATIL ALIAS NILESH ALIAS TUKARAM
BACHCHU ALIAS BACCHU PATIL

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip
APP for Respondent/State : Mr. D.J. Patil

...

WITH

BAIL APPLICATION NO. 660 OF 2025

RAJ PRAVIN MAHIRE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kulkarni Suniket Anil
APP for Respondent/State : Mr. D.J. Patil

...

WITH

BAIL APPLICATION NO. 777 OF 2025

ROHIT BHALCHANDRA NIKUMBHE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chaudhari N. L.
APP for Respondent/State : Mr. D.J. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18/06/2025

P.C. :

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State in above bail applications.
2. The applicants are seeking bail as they were arrested in connection with Crime No. 229/2024 dated 17.3.2024 registered with Shahada Police Station, District Nandurbar for the offences punishable under sections 302, 201, 120-B r/w. 34 of I.P.C.

3. The learned counsel for the applicants have relied upon the order passed by this Court in Bail Application Nos. 339 and 442 of 2025 dated 8.4.2025 and submits that the role of the present applicants is identical to that of the applicants in Bail Application Nos. 339 and 442 of 2025, who were released on bail by this Court. This Court while dealing with the case of accused Nos. 3 and 4 i.e. applicants in Bail Applicant Nos. 339 and 442/2025 in the order dated 8.4.2025 has observed at para 6 and 7 as under :-

"6. In above crime, applicants are arrested on 19.03.2024 along with six persons. Both applicants are arraigned as accused nos. 3 and 4 respectively. On visiting the summary of the charge sheet, it is emerging that investigating machinery claims that accused no.1 is husband of informant. He and informant had performed love marriage, but on account of differences and discord, they were residing separately. It is further alleged that accused no.1 lost his father and it was his belief that because of trouble given by informant-wife, his father died, and therefore he threatened to take revenge and consequently, he hired accused persons by giving contract and assuring sum of Rs.3,00,000/-. Conspiracy was hatched and, it is further claimed that, on 14.03.2024, juvenile accused no.5 called deceased to Jai Shri Mahakal Tea and Pan stall and there, accused nos. 2, 3, 4, 7, 8 and juvenile accused nos. 5 and 6 assaulted by means of iron weapon and committed murder of deceased. Thereafter, dead body was taken by accused nos. 2, 3, 4, 7, 8 and juvenile accused nos. 5 and 6 to Lonkheda Choufuli and then, after pouring kerosene, dead body was set on fire, i.e. to cause disappearance of the evidence. Prosecution claims that accused nos. 7 and 8 and juvenile accused no.6 brought petrol from petrol pump and then dead body was taken in vehicle MH-43-D-8517 and thereafter, accused nos. 2, 3, 4, 5 and 6 took dead body to Nanded-Tarhavad road and beneath the bridge. It is further claimed by prosecution that juvenile accused no.5 had taken video shooting of the journey while transporting dead body and while it was set on fire and as decided, accused no.1 paid accused nos. 2, 3, 4, 5 and 6 Rs.25,000/- and Rs.2,25,000/- respectively in two installments.

7. Thus, prosecution claims that there is CCTV footage of transporting dead body. Present applicants are seen in the said vehicle. However, learned APP, on court query, submitted that whatever footage taken is from the mobile of one of the juvenile and as regards the arrival of applicants at tea stall, also there is CCTV footage. However, tea stall is a public place which is open for all. On further court query as to whether there was any CDR to demonstrate that deceased was called at said tea stall when he was in market, there is nothing pointed out in that regard. Moreover, learned counsel for applicants have invited attention of the court to the very statement of son of deceased which shows that on the night of 13.03.2024, he had accompanied his father to join for dinner with accused against whom there are allegations. Further, statements of informant who lodged report against unknown person, is subsequently recorded on 18.03.2024 and 20.03.2024 wherein she has reported about alleged threats, which are apparently not stated by her in her FIR dated 17.03.2024. Taking such material into consideration, coupled with the fact that in spite of charge sheet being filed in June 2024, charge is not framed, as pointed out, process of trial is apparently uncertain. Resultantly, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:"

4. The learned counsel for the applicants submits that the role of the present applicants is similar to that of accused Nos. 3 and 4 (applicants in Bail Application Nos. 339 and 442 of 2025). This Court in para 7 in above order has observed that in CCTV footage, although the present applicants and accused Nos. 3 and 4 were seen, there was no any CDR to demonstrate that deceased was called at tea stall when he was in market.

5. The learned APP submits that present applicants and accused Nos. 3 and 4 (applicants in Bail Application Nos. 339 and 442 of 2025) were present in the tea stall and the role attributed to the present applicants is identical to that of accused Nos. 3 and 4. This fact is not disputed by the learned APP.

6. Considering overall conspectus of the matter and the order passed by this Court in Bail Application Nos. 339 and 442 of 2025 , I hold that bail can be granted to the present applicants also on the ground of parity.

7. In view of the above, the applications are allowed in the following terms :

a] The applicants in above applications shall be released on bail in connection with Crime No. 229/2024 dated 17.3.2024 registered with Shahada Police Station, District Nandurbar for the offences punishable under sections 302, 201, 120-B r/w. 34 of I.P.C., on furnishing PR bond of Rs.20,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants in above applications shall not tamper prosecution evidence.

c] The applicants in above applications shall not enter the vicinity where informant and her family members reside, till conclusion of trial.

d] The applicants in above applications shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

e] The applicants in above applications shall attend the concerned police station twice in every week i.e. on every Monday and Thursday till framing of charge and thereafter, shall regularly attended each and every effective date before the trial Court.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid

conditions, the bail granted to the applicant shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

SSC/