IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 938 OF 2026

Jitendra @ Jitu Sharad Bhalerao ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

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Mr. S.S. Jadhav, Advocate for applicant
Mrs. A.S. Deshmukh, A.P.P. for respondent - State

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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 07th OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the applicant and learned A.P.P. for State.

2. The present applicant, who is arrested on 22nd March, 2025 as Accused No.2 in F.I.R. bearing Crime No. 96 of 2025 registered with Bhusawal City Police Station, Dist. Jalgaon under Sections 103(1), 238, 61(2), 189(2), 189(4), 191(2), 190 and 191(3) of the Bharatiya Nyaya Sanhita and also under Sections 37(1) and 135 of the Maharashtra Police Act and also under Sections 3/25 and 4/25 of the Arms Act, has preferred this application seeking regular bail.

3. The prosecution case in brief is as under :-

The applicant and other co-accused hatched the conspiracy to murder the deceased Mukesh Bhalerao. This conspiracy was hatched by all

the male accused in complicity with deceased Mukesh's wife Surekha Bhalerao. As per this conspiracy in the night of 13th March, 2025 all the male accused came near the house of deceased situated at Bhilwadi, Bhusawal. Co-accused – Surekha as per the conspiracy allowed these accused in the house armed with sharp weapons by opening rear door of her house when deceased was sleeping inside the house. Then all male accused attacked the deceased with various sharp weapons and these male accused including applicant took the body with them and buried it in forest which is near the house of deceased. As per case of prosecution, two daughters of accused Surekha were present in the house and they saw this incident. It appears that on the basis of secret information the police on 21st March, 2025 detained accused Manoj Rakhunde, Saurabh Sonawane, Shubham Rakhunde. On the basis of the statement of Manoj Rakhunde, dead body of the deceased was recovered and then FIR came to be lodged by the brother of the deceased against these accused on 22nd March, 2025. The name of the present applicant came from the mouth of this Manoj Rakhunde during interrogation.

4. Learned counsel for the applicant, at the outset, submits that in all there are five accused persons who were named and arrested in the present offence, out of which four accused persons, including the prime accused, have been released on bail and the present applicant is the only accused who is lingering in jail since 22nd March, 2025. He submits that the role of the present applicant is at par with the accused enlarged on bail. He categorically

invites attention of this Court to the order dated 09th April, 2026 passed by the learned Sessions Court rejecting the bail application of the present applicant. He submits that the learned Trial Court has held that the applicant is entitled for bail on the ground of parity. He relies upon Paragraph no. 5 of the order of learned Sessions Court, which reads thus :-

> *"5. I am not inclined to accept this argument for various reasons. No doubt, the role of present applicant and said Vikas Rakhunde is similar. Similarly, the involvement of accused No. 1, 3 and 4 in this crime prima facie appears to have got connected with some incriminating recovery. However, this applicant tried to suppress his criminal track record. I may point out here that when the matter was fixed for argument this court directed the applicant to disclose all the details including his criminal antecedents if any. Vide pursis Exh.53 this accused through his advocate expressed lack of knowledge about his past criminal record. In view of this matter I perused the charge-sheet carefully. On perusal of the charge-sheet I came across the fact that the present accused has criminal track of six offences in which offences of physical violence punishable under section 307 of I.P.C. are also included. Not only this, the FIR of crime No. 98/2024 dated 06.05.2024 against this applicant discloses that he was externed under the order of Superintendent of Police Jalgaon dated 28.09.2024 for two years but he happened in Bhusawal city in violation of that order on 06.05.2024. The crime in question happened on 13.03.2026. During additional hearing on this past history of applicant, the learned counsel for the applicant submitted that the name of the present applicant does not figure in crime No. 94/2010 registered under section 397 and 307 of IPC. I counter checked this statement and I found the same to be correct. However, the fact remains that regarding other five offences bearing No. 96/2019, 124/2019, 32/2020, 68/2024, 98/2024 there is the name of this applicant as accused and out of these offences three relate to physical violence punishable under section 324, 307 of IPC. Moreover, prima facie it appears that the accused in violation of*

said externment order came in Bhusawal and alleged to have committed this serious crime."

5. He submits that the learned Trial Court though has held that the applicant is entitled for bail on the ground of parity, still has proceeded to reject the application merely for the reason that the criminal antecedents were suppressed by the arguing counsel at the relevant time. The Trial Court has also held that the offence bearing Crime No. 94 of 2010 registered under Sections 397 and 307 of the Indian Penal Code does not name the present applicant, but however has proceeded to held in respect of other five offences wherein the applicant's name appear and although relates to physical violence. The Trial Court has also proceeded to held prima facie that the accused, in violation of externment order, has entered the jurisdiction of Bhusawal and has committed the present offence. This is the only reason for which according to learned counsel, the trial Court has rejected the bail application.

6. Learned A.P.P. submits that the applicant is a habitual offender and there are other criminal antecedents registered against him for the offences pertaining to bodily injuries. She submits that the applicant has no respect to the law of land and statutory orders passed against him. She further submits that it is a matter of record that during the externment period, the present offence has been committed by the present applicant by illegally entering within the jurisdiction of Bhusawal Town. Taking into consideration

the criminal antecedents and habitual conduct, the applicant does not deserve to be enlarged on bail and his application be rejected. Learned A.P.P. however concedes to the fact that the observations of learned Sessions Court pertaining to parity are the matter of record that the parity applies.

7. On a specific query pertaining to the externment order, learned counsel for the applicant submits that it is a disputed issue and even the Sessions Court has held that the accused has violated the said externment order and also without disputing the observations of learned Sessions Court as to whether the applicant has entered Bhusawal Town or not, he voluntarily submits that he has instructions to make statement that the applicant shall abide by the externment order in respect of the fact that it has expired on 28th September, 2026 and stay outside the jurisdiction of Bhusawal Town for a period of one year from today i.e. till 27th September, 2027. He also submits that thereafter if the trial Court does not conclude the trial of the present offence, the applicant shall continue to stay outside Bhusawal Town till conclusion of trial.

8. I have considered the submissions and the voluntary statement that has been made by the applicant and have also considered the submissions advanced by learned A.P.P. for State. It is a matter of record that the learned Sessions Court, while considering the application for bail of the present applicant, has duly come to the conclusion that the principles of parity

thus apply to the present applicant for the reason that the other co-accused persons' role is similar to the present applicant. However, there is substance in the arguments advanced by learned counsel for the applicant that the learned Trial Court has rejected the application merely for the reason that there are criminal antecedents and that the externment order of present applicant has been violated. Perusing the dates of externment order, the order was passed on 28th September, 2024 externing the applicant from Bhusawal Town for a period of two years, which was expired on 28th September, 2026. The present applicant came to be arrested in connection with present offence on 22nd March, 2026 and since then he is in the custody. Though the order of externment, as on date when this application is being considered, has already expired, the voluntary statement of the applicant can be reasonably considered and accepted. The applicant is voluntarily ready and willing to stay outside Bhusawal Town for a period of one year from today in view of order of externment. He is also ready and willing to stay outside Bhusawal Town till conclusion of trial. If the submission and voluntary undertaking of the applicant is accepted, even in my mind the controversy that has been raised pertaining to his criminal antecedents and violation of externment order can be taken care of.

9. In the light of above, once this Court has concluded that on merits the applicant deserves to be released on bail on the ground of parity, then merely because there is criminal antecedent or the allegations are of violation

of externment order cannot continue the custody of the applicant indefinitely. I am of the opinion that the present application can be allowed on the basis of voluntary undertaking and also by imposing certain conditions. Hence, the following order :-

ORDER

(I) Bail application is allowed.

(II) The applicant shall be released on bail in Crime No. 96 of 2025 registered with Bhusawal City Police Station, Dist. Jalgaon under Sections 103(1), 238, 61(2), 189(2), 189(4), 191(2), 190 and 191(3) of the Bharatiya Nyaya Sanhita and also under Sections 37(1) and 135 of the Maharashtra Police Act and also under Sections 3/25 and 4/25 of the Arms Act, on furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent surety in the like amount, subject to the following conditions:

a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall attend the local police station where he will reside outside Bhusawal Town on first and last Monday of every month.

c) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

d) The applicant shall furnish his residential address and mobile number to the Investigating Officer and the trial

Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

e) The applicant shall not leave India without prior permission of the trial Court and, if he possesses passport, shall deposit the same with the trial Court within seven days of his release.

f) The applicant shall not involve himself in any offence of a similar nature while on bail.

(III) The voluntary statement made by the applicant to stay outside the jurisdiction of Bhusawal Town for a period of one year i.e. till 27th September, 2027 in terms of externment order is accepted.

(IV) The applicant is also put to condition that after expiry of 27th September, 2027 also he shall not enter Bhusawal Town till conclusion of trial.

(V) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(VI) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(VII) Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR, J.)

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