IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1759 OF 2026

VISHWAJEET ALIAS LIMBAJI SHIVAJI MURKUTE
VERSUS
THE STATE OF MAHARASHTRA

.....

Mr. Maroti G. Kedar a/w Mr. R. D. Bhatane, Advocate for Applicant
Mr. S. D. Ghayal, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 29th OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the parties.

2. By the present application, the applicant seeks his release on bail in connection with Crime No.0057 of 2026 registered with Kingaon Police Station, Kingaon Tq. Ahmedpur, Dist. Latur for the offences punishable under Sections 109(1), 189, 189(2), 189(3), 189(4), 191(3), 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The brief facts of the prosecution's case are such that the informant received phone call from one Gokul Gite calling him to meet at Rajasthan Sweet Room, where accused persons assaulted the informant by means of knife on his vital parts of the body thereby voluntarily causing him grievous injuries. The

informant was taken to the hospital where upon his treatment, a statement was recorded pursuant to which FIR came to be registered and the applicant came to be arrested.

4. Learned counsel for the applicant submits that no specific overt act or active role has been attributed to the present applicant in connection with the alleged incident. According to the prosecution material, the applicant was merely present at the spot and was only a mute spectator. It is contended that no allegations of assault or any other incriminating conduct have been levelled against him. The learned counsel further points out that the name of the applicant does not find mention in the FIR and that no specific role has been assigned to him therein. It is further submitted that the investigation has been completed and the charge-sheet has already been filed. Consequently, the custodial interrogation of the applicant is no longer required. In the absence of any specific allegations or material indicating active participation on the part of the applicant, and considering that further detention would serve no useful purpose, it is submitted that the applicant deserves to be enlarged on bail on suitable terms and conditions.

5. Per contra, the learned APP vehemently opposes the

application and submits that the applicant was actively involved in the commission of a grave and serious offence. It is contended that the offence was premeditated and executed in a planned and organized manner. Although no specific overt act has been attributed to the applicant, it is argued that he shared the common intention with the co-accused to cause the death of the informant. The learned APP further submits that, if released on bail, there is every likelihood that the applicant may tamper with the prosecution evidence, influence or intimidate the witnesses, and may even indulge in similar offences in future.

6. I have heard the learned counsel for the applicant and the learned APP for the State. The perusal of the charge-sheet suggests that the injuries that have been inflicted to the injured victim are simple in nature. Though there is a direct role attributed to the present applicant and the recovery of the knife is at the instance of the present applicant, yet the fact remains that the investigation is complete and charge-sheet has been filed. There is no necessity to continue the custody of the present applicant. The other factor that sways in the favor of the present applicant is that out of 06 accused persons, 05 of them have been released on bail. Though there is an active role attributed to the present applicant and that there are criminal antecedents, still taking into

consideration that the applicant has been in jail since 13.05.2026 and the trial has not yet proceeded, I am inclined to allow the application. Hence, the following order :

ORDER

I. The application is allowed.

II. Applicant Vishwajeet Alias Limbaji Shivaji Murkute, be released on bail in connection with Crime No.0057 of 2026 registered with Kingaon Police Station, Kingaon Tq. Ahmedpur, Dist. Latur for the offences punishable under Sections 109(1), 189, 189(2), 189(3), 189(4), 191(3), 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, on executing a Personal Recognizance Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not directly or indirectly make any inducement, threat or promise to any prosecution witness and shall not tamper with the prosecution evidence.

(b) The applicant shall attend each and every date fixed by the Trial Court till the culmination of trial except when specifically exempted.

(c) The applicant shall not in any manner whatsoever contact the informant till the conclusion of trial.

(d) In the event of breach of the condition, it will be open for the prosecution or the complainant to approach the

concerned Court for cancellation of bail notwithstanding the fact that this Court has passed this order of granting bail to the applicant.

III. Needless to state that the observations made herein are prima facie in nature and confined to the adjudication of the present bail application. The Trial Court shall not be influenced by any of the observations made in this order while deciding the case on its own merits.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale