



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1225 OF 2025

Kiran S/o Suresh More,
Age : 28 Years, Occu. : Labour,
R/o Dr. Babasaheb Ambedkar
Nagar, Dhanegaon, Nanded,
Tq. & Dist. Nanded. .. Applicant

Versus

The State of Maharashtra .. Respondents

**WITH
BAIL APPLICATION NO. 1258 OF 2025**

Lahuji @ Avdhut S/o Gangadhar Dasarwad,
Age : 26 Years, Occu. : Labour,
R/o Balirampur, Nanded,
Tq. & Dist. Nanded. .. Applicant

Versus

The State of Maharashtra .. Respondents

Shri Shailesh S. Gangakhedkar, Advocate a/w Shri S. R. Mantri,
Advocate for the Applicant in both matters.
Shri S. V. Hange, A.P.P. for the Respondent – State in both
matters.
Shri Abhaysinh R. Bhosle, Advocate for the Intervenor in both
matters.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH MARCH, 2026.**

FINAL ORDER :

. Heard both sides. Applicants are seeking enlargement on

bail in furtherance of offence bearing Cr. No. 122/2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable U/Sec. 302, 386, 120-B, 143, 147, 148, 149, 323 of the Indian Penal Code and Sec. 3, 4, 25, 27 of the Arms Act and Sec. 135 of the Maharashtra Police Act and subsequently added Sec. 3(1)(ii)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act.

2. Applicant – Kiran Suresh More was arrested on 26.08.2024 and applicant Lahuji @ Avdhut Gangadhar Dasarwad was arrested on 09.07.2023 in furtherance of the offence in question. Charge sheet was filed on 13.09.2024.

3. The role attributed to the applicants is reflected in the charge sheet relating to offence dated 25.02.2023. Their presence at the relevant time is disclosed. The main perpetrator who is accused No. 1 is behind bar. There are allegations of threats, ransom and assault. It is further alleged that applicants and others assaulted the deceased by dagger. I have gone through first information report.

4. Learned counsel for the applicants submits that applications are entertainable despite they are successive in nature. The ground of parity is pressed into service drawing attention of this Court to orders dated 23.07.2024 and 26.09.2024. It is submitted that additionally a plea of alibi is available for applicant – Lahuji @ Avdhut. It is submitted that

though criminal antecedents are pitted against them in identical circumstances two accused were already released on bail.

5. Learned Assistant Public Prosecutor Mr. Hange for the prosecution vehemently submits that this is successive bail application which is virtually amounting to review of earlier order. They should have challenged rejection of their earlier bail applications before the Apex Court instead of filing present applications. It is submitted that ground of parity was not pressed into service on earlier occasion. My attention is adverted to the criminal antecedents reflecting from the proposal forwarded to the competent authority under the provisions of the Maharashtra Control of Organized Crime Act. It is submitted that there is incriminating role against the applicants.

6. Learned advocate Mr. Bhosale appearing for the intervenor – informant would advert my attention to the detailed reasons assigned by the Coordinate Bench in rejecting earlier bail application. It is submitted that considering the seriousness and criminal antecedents, it is not appropriate to grant bail. It is further submitted that successive bail application is not entertainable because there is no change in the circumstances.

7. Charge sheet is filed on 13.09.2024. The investigation is over. Parties have rival claim in respect of ground of parity, which was not pressed into service when coordinate Bench rejected Bail Application No. 46 of 2025 and Bail Application No.

1569 of 2024. The order does not reflect that previous orders passed on 23.07.2024 and 26.09.2024 were taken into account. Successive bail application perse cannot be said to be prohibited. In the facts and circumstances of the case successive applications can be entertained.

8. I have gone through the order dated 23rd July, 2024 passed in Bail Applications of Gopinath Balaji Mungal and Sumit Sanjay Godbole. Those accused were also having criminal antecedents, despite that they were granted bail on certain conditions. Similar is the case of accused Raju @ Chindi Mahajan Dhanakwad and Kundan Sanjay Landge, who were granted bail on 26.09.2024. My attention is adverted to the proposal forwarded by the authority to show criminal antecedents against the present applicants Kiran More and Lahuji @ Avdhut Dasarwad. Criminal antecedents cannot be a sole ground to keep the accused behind bar. By imposing appropriate conditions interest of the respondent – State and the informant can be safeguarded.

9. To support the contention that successive bail applications are entertainable, reliance is placed on the judgment of the Apex Court in the matter of Jkamal @ Kamal Choudhary Vs. The State of Maharashtra reported in *2025 Supreme(SC) 1637*. I have gone through para No. 6 of the judgment.

10. Further reliance is placed on the judgment of the Supreme

Court in the matter of Shabana Abdulla Vs. Union of India and others reported in 2024 *SCC Online SC* 2057. The observations in para No. 17 would enure to the benefit of the applicants.

11. The FIR and the police papers would disclose that applicants were present at the relevant time. The overt acts are vineal. Already investigation is over. Their further presence behind the bar is not required. For the reasons stated above, I pass following order.

O R D E R

A. The bail applications are allowed.

B. Applicant – Kiran Suresh More and Applicant – Lahuji @ Avdhut Gangadhar Dasarwad shall be released on bail in respect of Cr. No. 122/2023 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable U/Sec. 302, 386, 120-B, 143, 147, 148, 149, 323 of the Indian Penal Code and Sec. 3, 4, 25, 27 of the Arms Act and Sec. 135 of the Maharashtra Police Act and subsequently added Sec. 3(1)(ii)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act on furnishing P. R. bond of Rs. 50,000/- (Rs. Fifty thousands only) each with one solve surety of like amount.

C. The applicants shall not tamper with the prosecution witnesses.

D. The applicants shall not enter Nanded district till the conclusion of trial save and except for attending the trial.

E. They shall furnish their mobile phone numbers and address to the Investigating Officer.

F. Bail applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 26