



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.1433 OF 2025

Vishal s/o Santosh Waghmare ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. R.G. Hange, Advocate for applicant
Mr. C.V. Bhaddane, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 24th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.342/2024, registered with Peth Beed Police Station, District, Beed for the offences punishable under Sections 103(1), 61(2), 189(2), 191(2), 191(3), 190, 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 25 of the Arms. Act.

2. Learned counsel for the applicant submits that, the

genesis of the incident which occurred on 31/10/2024, when the uncle of the informant was found to be dead. It is purely of circumstantial evidence and the only evidence produced by the prosecution is CCTV footage, which is not referred in the F.I.R. in spite of the fact that the informant was aware of the same. In that view of the matter, the applicant deserves to be admitted to bail. Hence prayed to allow the application.

3. Per contra, learned A.P.P. vehemently opposed the application, submitted that, the complicity of the applicant is evident since the prelude which occurred on 30/10/2024 has led to the incident and the same is recorded in CCTV footage, which disentitles the applicant for bail. As such, prayed to dismiss the application.

4. Having considered the submissions advanced by learned counsel for both sides and perusal of the record indicates that, the prosecution case is premised on the circumstantial evidence. So far as the CCTV footage is concerned, the genuineness of the same can be verified during the trial. Although the informant viewed the CCTV footage before lodging the report, however, there is no reference to it, same is at a later juncture.

Moreover, the applicant is in custody since 31/10/2024 i.e. for more than one year and 3 months. Hence, further incarceration of the applicant would amount to pretrial punishment. The trial is not likely to commence and conclude in near future. In this view of the matter, the applicant deserves to be enlarged on bail.

5. Nevertheless, the investigation is complete and charge sheet has been filed. Therefore, further incarceration of the applicants is unwarranted.

6. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Vishal s/o Santosh Waghmare be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any manner.
 - (b) The applicant shall remain present on each date,

unless exempted by the trial Court.

- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-