



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

BAIL APPLICATION NO. 1552 OF 2025

Rahul Bharat Bhat,
Age : 21 years, Occu. : Labour,
R/o. Shalini Nagar, Khote Nagar,
Jalgaon, Dist. Jalgaon

... Applicant

VERSUS

The State of Maharashtra,
Through Investigating Officer,
Jalgaon City Police Station,
Tq. Jalgaon, Dist. Jalgaon

... Respondent

...
Advocate for Applicant : Ms. Rani Kailas Agrawal
Addl.P.P. for Respondent/State : Mr. A.R. Kale

CORAM : SHAILESH P. BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No 77 of 2023 registered with Jalgaon City Police Station, Dist. Jalgaon for the offences punishable under Section 302, 323, 504, 34 of the Indian Penal Code, 1860.

3. It is reported by mother who is informant that her deceased son Sopan had grievance against the accused persons who had taken away his motorcycle for a marriage ceremony. On 26.03.2023, at about 9.30 pm, there was quarrel between them. It is alleged that Sopan is assaulted by chopper by Dnyaneshwar and others helped him and also assaulted by fists and kicks. It is alleged that the chopper was supplied by applicant by taking it out from his sack. Applicant is arrested on 27.03.2023. Charge-sheet is filed on 05.06.2023.

4. Learned counsel for the applicant submits that the account of the eye witnesses is inconsistent. There is no reliable independent material to corroborate the prosecution theory. It is not a premeditated crime. Involvement of the applicant is doubtful.

5. Learned APP opposes the application on the ground that not only two eye witnesses are consistent but independent witness Najir would also corroborate the theory. No identification parade is required because perpetrators are identified by the eye witnesses. It is further submitted that applicant is involved in a serious crime by supplying weapon and also assaulting the deceased by the same after having been given vital blows by co-accused.

6. I have gone through the FIR, statements of eye witnesses Shubham, Mukesh and Shaikh Najir. I have also gone through the post-mortem report. It transpires that Sopan's vehicle was taken away by accused Govinda and Dnyaneshwar without his permission. The motive can be attributable to these two persons. Applicant's presence at the spot and having supplied the weapon to the main perpetrator, is evident.

7. The eye witness – Shubham is most relevant because he was identifying the persons concerned and his account is improvised one than the FIR.

8. I find that there is no recovery of the sack *albeit* chopper has been recovered. No *mens rea* can be inferred for the applicant to do away with the deceased. No criminal antecedents are quoted also.

9. I, therefore, pass the following order :-

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with Crime No. 77 of 2023 registered with Jalgaon City Police Station, Dist. Jalgaon for the offences punishable under Section 302, 323, 504, 34 of the Indian Penal Code, 1860 on following conditions:

- (a) The applicant shall furnish P.R. bond of Rs.30,000/- (Rs. Thirty Thousand only) with one solvent surety of like amount.
- (b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- (c) The applicant shall surrender his Adhaar and PAN Card to the Investigating Officer and shall furnish his mobile/cell number and address to the investigating officer.

(SHAILESH P. BRAHME, J.)

arp/-