



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

BAIL APPLICATION NO.1637 OF 2025

Lahu Shivaji Damare

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. S.J. Salunke, Advocate for applicant
Mrs. P.V. Diggikar, A.P.P. for respondents
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th FEBRUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Crime No.0772/2024, registered with Newasa Police Station, District Ahilyanagar for the offences punishable under Section 103(1), 238, 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 16/8/2024, one dead person, aged about 35 years was found in agricultural land near

Shivajirao Pawar Medical College, in village Pachegaon, Taluka Newasa, District Ahilyanagar. Apparently, there was cut injury with sharp edged weapon to neck. During investigation, on 30/8/2024, the police came to know the name of deceased as Ambadas Bhanudas Mhaske. Accused No.2 Meera, wife of the deceased and the applicant were in illicit relationship and the deceased was a hurdle in the said relationship. Therefore, the applicant and accused No.2 hatched a conspiracy to commit murder of deceased husband. In their attempt, on the pretext of going to Pune to find job in vehicle bearing Registration No.MH-21/BV-5092, they detained the deceased in a rented room and committed the offence.

3. Learned counsel for the applicant submits that, the case is based on circumstantial evidence. The investigation is complete. Furthermore, the applicant is entitled to be released on bail on the ground of parity in view of the order dated 23/4/2025, passed by this Court in Bail Application No.335/2025, granting bail to co-accused Meera. Hence prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, submitting that the applicant has indulged in serious

offence. The incriminating circumstances against the accused persons are seamless. The statement unequivocally indicates that accused persons acted in furtherance of common intention while committing the offence, which is serious in nature. Hence prayed to reject the application.

5. Having heard learned counsel for both the sides and upon perusal of the record including Chargesheet indicates that the applicant is behind the bars since 30/8/2024 i.e. for more than 17 months. Furthermore, the prosecution seeks to examine in all 27 witnesses. As such, the trial will take considerable time to commence and conclude. Moreover, the co-accused, against whom similar role and character is attributed, is enlarged on bail. In that view of the matter, application warrants consideration on the ground of principles of parity. As such, further incarceration of the applicant is unjust.

6. Nevertheless, the investigation is complete for all intents and purpose. In that view of the matter, further custody of the applicant is not warranted.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Lahu Shivaji Damare 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. Breach of same would entail cancellation of bail.
 - (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/-