



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1732 OF 2025 WITH
CRIMINAL APPLICATION NO. 3469 OF 2025
IN BA/1732/2025

Lahu Gitaram Phapale

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. S. S. Jadhav, Advocate for Applicant.

Mr. P. P. Dawalkar, APP for the State.

Mr. V. C. Patil, Advocate for the Informant.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 13th JANUARY, 2026.

PER COURT :

1. Criminal Application No. 3469/2025 is filed seeking leave to assist the learned APP.
2. Application is allowed. Learned Counsel Mr. Patil is allowed to assist learned APP.
3. The Applicant seeks regular bail in connection with Crime No. 917/2024 registered with Parner Police Station, Dist. Ahilyanagar for the offences punishable under Sections 109, 118(1), 118(2), 115(5),

115(2), 352, 351(2), 189(2), 190, 191(2), 191(3), 126(2), 324(4), 119(1), 49, 140(4), 238 of the Bharatiya Nyaya Sanhita, 2023.

4. In short, the case of the prosecution is that on 23.12.2024 at about 7.45 pm, when the informant was proceeding towards Gargundi fata in his car, the Applicant alongwith co-accused and some unknown persons followed the informant and went ahead of the vehicle abusing the informant and asked him to take down the glass of his car. Since the informant did not act as per the say of the Applicant, the Applicant threatened the informant and suddenly pelted stone on his car and broke down the glass of the vehicle. It is further alleged that the Applicant assaulted on the ear of the informant by pelting stone and co-accused assaulted the informant on his stomach and head by kicks. It is further alleged that they snatched gold ornaments, cash and mobile phone along with two simcards from the informant. On this backdrop, First Information Report came to be lodged.

5. Learned Counsel for the Applicant submits that this is a case of over implication. The First Information Report is the outcome of old dispute between the parties. Furthermore, the injuries

mentioned in the injury certificate do not correspond to the alleged injuries. The investigation is complete and the charge-sheet has been filed. As such, no further incarceration of the applicants is warranted. Hence, the counsel prayed to allow the application.

6. Per contra, learned APP and learned Counsel for the informant vehemently opposed the Application by contending that the Applicant and the co-accused are the contract killers. It is contended that statements of eye witnesses to the alleged incident indicate complicity of the Applicant in the crime. It is further contended that the video recording of the alleged incident indicates motive of the Applicant and his involvement in the crime. Hence, prayed to dismiss the Application.

7. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the complaint is lodged against several persons and consists of general allegations leveled against all the accused. Prima facie, it appears to be a case of over-implication. Record further indicates that the corresponding injuries as alleged in the First Information Report are absent in the injury certificate. The record further

indicates that the present Applicant prima facie has tried to pacify the scuffle. Thus, in the absence, of direct material, the video recording cannot be used as the sole basis to withhold the liberty of the Applicant.

8. The investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

9. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Lahu Gitaram Phapale , be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like

amount, in connection with Crime No. 917/2024 registered with Parner Police Station, Dist. Ahilyanagar for the offences punishable under Sections 109, 118(1), 118(2), 115(5), 115(2), 352, 351(2), 189(2), 190, 191(2), 191(3), 126(2), 324(4), 119(1), 49, 140(4), 238 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this Application and the Trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)