



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1782 OF 2025

AJAY ALIAS AJJU MAHENDRA BHIGANIYA
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents-State : Ms. P. V. Diggikar

CORAM : Sachin S, Deshmukh, J.

Dated : 12th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 29.09.2024 bearing Crime No. 480 of 2024 registered with Wajirabad Police Station, Dist. Nanded for the offences punishable under Sections 103(1), 238, 3(5) of the *Bharatiya Nyaya Sanhita*, 2023.
2. The case of the prosecution is that a badly decomposed body was discovered on 29.09.2024, near a graveyard in the Dankin area of Nanded. During the initial investigation, the deceased could not be identified. The prosecution alleges that all the accused were seen with the deceased in front of a wine shop shortly before the murder. In the intervening time gap, the applicant allegedly murdered the deceased by using a stone. The victim was severely stoned and defaced specifically to prevent identification. The charge-sheet

indicates that the prosecution's case relies heavily on the "last seen theory" presented through the CCTV footage.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offense, emphasizing the absence of any independent eyewitness to establish his complicity. The entire case is based on the circumstantial evidence. The learned counsel also submits that a co-accused in this crime has already been enlarged on bail; therefore, on the grounds of parity, it is prayed that the application be allowed.

4. The learned APP opposed the application, submitting that the offense is serious in nature and that there is sufficient material on record to establish the applicant's complicity. The CCTV record indicates that applicant and co-accused seen alongwith the deceased. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offense being repeated. Accordingly, it was prayed that the application be rejected.

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it prima facie indicates that the case is based solely on the "last seen" theory. The only chain linking the applicant is the CCTV footage. However, the veracity and reliability of the CCTV footage can be dealt into during the trial and the same cannot be used as

a sole basis to withhold the liberty of the applicant, particularly where there is no other cogent evidence against him.

6. Furthermore, the co-accused, Atul @ Kathalya s/o. Shrivant Hatkar has been enlarged on bail by this Court vide order dated 08.04.2025 in Bail application no. 480 of 2025. Since the applicant is placed on similar footing as the co-accused, is also entitled for bail on the ground of parity.

7. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of 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 favour of the applicant.

8. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant - Ajay @ Ajju Mahendra Bhiganiya be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 480 of 2024 registered with Wajirabad Police Station, Dist. Nanded for the offences punishable under Sections

103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicants would entail the cancellation of the bail.
- (iii) Needless to states 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.)