



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

BAIL APPLICATION NO. 1803 OF 2025

ANIL BHAGWAN SARWADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Saisagar A. Ambilwade
APP for Respondent : Mr. C. V. Badhane
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-01-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.9 of 2025 dated 07.01.2025 registered with Gandhi Chowk Police Station, District Latur, for the offences punishable under Sections 103(1) of the *Bhartiya Nyaya Sanhita*, 2023.
2. The prosecution case is that on 06.01.2025, the husband of the informant, the deceased Shamrao, left for construction work at his in-laws' house. Later that evening, at 6.30 p.m., the husband of the informant called to say, he was collecting his wages and heading home. At approximately 10.00 p.m., Vikas Devkate received a call on his mobile phone from the husband's phone, informing him that Shamrao had been admitted to the Government Hospital for treatment. The informant, her mother-in-law, and her son, immediately reached the hospital, where the doctor declared him dead.
3. It is further alleged that on the date of the incident, a quarrel

occurred between the accused and Shamrao at Annabhau Sathe Chowk. During the altercation, the accused allegedly struck Shamrao with a fist blow to the chest and repeatedly hit his head against a wall until he lost consciousness. Someone informed Gautam, an acquaintance of Shamrao, that a person was lying unconscious at the location. When Gautam and Vikas arrived, the accused fled the scene. Onlookers then shifted Shamrao to the Government Hospital, Latur. Hence, lodged the report.

4. Learned counsel for the applicant submits that there is no evidence of direct involvement of the applicant in the alleged crime. Because of the inimical relations the alleged first information report is lodged only to harass the applicant. Nothing is to be recovered at the instance of the applicant. The statements of the witnesses recorded by the prosecution are hearsay. There is no intention, motive or knowledge of the present applicant in the alleged commission of the offence. The applicant is behind bars since more than nine months. The postmortem report does not indicate an opinion in respect of cause of death. The injuries are not likely to cause of death. The investigation is completed and the chargesheet is filed. Further incarceration of the applicant is not necessary. Hence, prayed to release the applicant on bail.

5. Learned A.P.P. has opposed the application and submits that the offence is grave and serious in nature. The applicant brutally

murdered the deceased at the crowded place. There is a strong circumstantial evidence and extra judicial confession. There is possibility of tampering with the evidence. Hence, prayed to reject the application.

6. Upon considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, indicates that the statements of the witnesses show that they saw an unknown person assaulting the deceased. Subsequently, based on CCTV footage, the applicant was arraigned as an accused. As such, the statements of the witnesses are hearsay regarding the applicant's identity, while the primary chain linking the applicant to the alleged crime, is the CCTV footage. However, the veracity and genuineness of this footage can only be appreciated during the trial proceedings and cannot be used as the sole basis to withhold the liberty of the applicant at this stage.

7. The investigation is complete for all intent and purpose, 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 favour of the applicant.

8. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Anil Bhagwan Sarwade, be released on bail, upon 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.9 of 2025 dated 07.01.2025 registered with Gandhi Chowk Police Station, District Latur, for the offences punishable under Sections 103(1) of the *Bhartiya 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 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.]