



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1810 OF 2025

SHIVAJI RAKHMAJI RODGE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Ms. Sunita G. Sonawane
APP for Respondent-State : Mr. C. V. Bhadane

CORAM : SACHIN S. DESHMUKH, J.
Date : 4th February, 2026

ORDER :-

1. The applicant is seeking bail in connection with FIR dated dated 04.03.2025 bearing Crime No.79 of 2025 registered with Police Station Palam, District Parbhani, for the offences punishable under Sections 103(1), 311, 137(2), 118(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023. In connection with the crime, the arrest of the applicant is effected on 06.03.2025. Thereafter, the chargesheet is filed and the investigation is completed.

2. The prosecution case is that on 03.03.2025 approximately at 16:30 hours, the complainant was traveling from Kerwadi in his TATA Magic vehicle. While passing the Lendi River bridge on the Palam-Gangakhed road, noted his father, Balasaheb

Jadhav (deceased), conversing with unidentified individuals. The Complainant requested his father to accompany him; however, the father declined, stating he would return later.

3. The complainant proceeded with his work in Palam and returned to Kerwadi around 19:00 hours. Upon realizing his father had not returned home by night, the Complainant attempted to ascertain his whereabouts but was initially unsuccessful. On 04.03.2025, the complainant received information from one Yuraj (who had been alerted by one Mr. Kadam via mobile phone) that his father had been discovered in a critically injured state at the Purna Railway Bridge and was admitted to the Government Hospital, Purna.

4. The prosecution further alleged that the complainant, accompanied by his uncles, Shivaji and Pralhad, immediately visited the hospital. While under medical treatment, the victim (Balasaheb Jadhav) provided an oral statement to the Complainant. He alleged that Tukaram Ambore (resident of Tadkalas) and three unidentified accomplices had picked him up from near the Shivalay Bar under the pretext of visiting agricultural land. They subsequently transported him to the Purna

Railway Bridge via Pethshivani Road, where they brutally assaulted him using stones.

5. The learned counsel for accused submits that Pradip Mohite, was not named in the FIR dated 03.03.2025. The complainant explicitly stated he saw his father with "three unknown persons". The subsequent naming of applicant is a delayed improvement on the original story. Moreover, the co-accused in the crime has already been enlarged on bail. As such, the applicant is also entitled for bail on the ground of parity. Hence, prayed to allow the application.

6. The learned APP opposed the application submitting that the offence is serious in nature. The accused is involved in a cold-blooded assault involving Section 103 and Section 109 of the BNS. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. Hence, prayed for rejection of the application.

7. Considering the submission of both the sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the FIR was lodged on 04.03.2025

following the complainant's visit to the hospital. While the complainant mentions seeing "five unknown persons" at the Lendi River bridge at 16:30 hours on 03.03.2025, the present applicant, Pradip Mohie, was not named therein. The name of the applicant surfaced only during subsequent supplementary statements.

8. Pertinently, the prosecution prima facie has failed to attribute a specific overt act to Pradip Mohie. The arrest of the applicant is effected on 05.03.2025. The applicant has been in custody for a sufficient period. Moreover, co-accused Haribhay Ranba Mohite has been enlarged on bail by this Court vide order dated 08.12.2025 in Bail Application No. 1471 of 2025. As such, the applicant is also entitled for bail on the ground of parity.

9. 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.

10. As such, further detention of the applicants 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. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

11. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Shivaji Rakhmaji Rodge 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.79 of 2025 registered with Police Station Palam, District Parbhani, for the offences punishable under Sections 103(1), 311, 137(2), 118(2), 3(5) of the Bhartiya 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.)

Omkar Joshi