



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

BAIL APPLICATION NO. 1871 OF 2025

DIPAK DINKAR CHOKHANDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Amit A. Tandulkar
APP for Respondent : Mr. P. P. Dawalkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No. 406 of 2022, dated 04.09.2022 registered with Police Station Pachora, District Jalgaon, for the offences punishable under sections 307 and 452 read with Section 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act. In the said crime, the applicant was arrested on 21.10.2022. After completion of the investigation, the chargesheet has been filed.

2. The prosecution case involves two distinct incidents of assault involving the applicant and his associates. First, on 15.09.2022, the informant's daughter-in-law was intercepted and assaulted with a sharp-edged weapon at the New Panvel Railway Station, sustaining injuries to her neck. This followed an earlier occurrence on 03.09.2022, at approximately 11.00 p.m., when the accused, Rohit Sonone, allegedly trespassed into the informant Arun Yadav's residence at Ganpati Nagar, Pachora, brandishing a

pistol and issuing death threats. When the informant raised an alarm, his brother, Gokul Chavhan, attempted to intervene; however, two accomplices emerging from the darkness joined the assault, with one stabbing Chavhan in the chest with a knife. The assailants subsequently fled the scene on a motorcycle. Hence, the report is lodged.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime solely due to his acquaintance with the co-accused, Rohit Sonone, despite having no involvement in the alleged incidents. There is no incriminating material on record to substantiate his participation or establish a *prima facie* case against him. It is submitted that the investigation is complete and the chargesheet has been filed. Therefore, continued incarceration of the applicant is unnecessary, especially as the trial is yet to commence. Furthermore, the alleged offences do not attract the death penalty or life imprisonment. As a permanent resident of Belad Village, Taluka Malkapur, District Buldhana, the applicant is prepared to abide by any conditions imposed by the Court and, therefore, prays for his release on bail.

4. The learned APP strongly opposed the bail application, contending that the applicant acted in furtherance of a common intention with the co-accused, Rohit. It is submitted that the

applicant was positively identified during a Test Identification Parade (TIP) conducted by the Executive Magistrate, establishing his presence during the assault where a victim sustained a chest injury. Furthermore, the prosecution highlighted the applicant's serious criminal antecedents, noting his involvement in a separate murder case (Crime No. 242/2023 under Sections 302 and 120B of the IPC). Given the gravity of the offense, the applicant's distinct role compared to other co-accused, and his perceived danger to society, the APP submitted that the applicant's release would lead to the tampering of prosecution evidence and, therefore, prayed for the rejection of the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the chargesheet indicates that the applicant is of 28 years old and behind the bars since 21.10.2022, and has undergone almost four years of incarceration. Moreover, considering the fact that the other co-accused are released on bail coupled with the prolonged incarceration of the applicant, further detention would be unjustified.

6. Although the learned A.P.P. pointed out the applicant's criminal antecedents and his identification in the test identification parade, the investigation is now complete and the chargesheet has been filed. Since the trial has not yet commenced, further

custody is not required for investigation. The primary allegations of brandishing with weapon are directed at the co-accused, Rohit Sonone, making the applicant's specific role and common intention a matter to be decided during the trial.

7. Moreover, the applicant, a permanent resident, can be released under strict conditions to ensure his presence at trial and prevent any tampering with evidence.

8. 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.

9. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Dipak Dinkar Chokhande, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand), with one solvent surety of the like amount in Crime No. 406 of 2022, dated 04.09.2022 registered with Police Station

Pachora, District Jalgaon, for the offences punishable under sections 307 and 452 read with Section 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, on the conditions that;

- (a) The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- (b) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

[SACHIN S. DESHMUKH]
JUDGE