



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 BAIL APPLICATION NO. 1929 OF 2025

Santosh Vithoba Bhuyare

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr.A. R. Nikam, Advocate for Applicant.

Mrs. P. P. Diggikar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19th JANUARY, 2026.

PER COURT :

1. The Applicant seeks regular bail in connection with Crime No. 170/2024 registered with Deglur Police Station, Dist. Nanded, for the offences punishable under Sections 302, 143, 147, 148, 149 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that on 19.04.2024 at 8.00 pm the informant got knowledge that his brother i.e. deceased was assaulted by some persons in the village at Kawalgadda. Upon receiving such information, the police personnel visited the spot where they did not found the deceased. Thereafter at about 9.30 pm, informant came to know that the Applicant along with co-accused took the deceased near temple and assaulted him. However, being

frightened that they would beat the informant, could not visit the spot. On the next date i.e. on 20.04.2024, the police personnel informed the informant about death of the deceased. On this backdrop, the First Information Report was lodged.

3. Learned Counsel for the Applicant submits that there are no eye witnesses to the incident. General allegations are levelled against the Applicant and no specific role is attributed to him. The Applicant is behind the bars for more than one year. It is further submitted that the co-accused are enlarged on bail by this Court. Hence, it is prayed that, on the ground of parity, the Applicant be enlarged on bail.

4. Per contra, learned APP vehemently opposed the application citing serious nature of the crime. The brother of the informant has lost his life in the alleged incident. Further, the role of the Applicant is distinct from that of the co-accused and as such the rule of parity cannot be applied in this case. An apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering the prosecution evidence.

5. Upon hearing submissions of both sides and on perusal of the record, including charge-sheet, prima facie it appears that the Applicant is in custody since arrest on 28.11.2024 which is more than one year. Keeping in view the verdict of Hon'ble Apex Court in the case of Javed Gulam Nabi Shaikh vs. State of Maharashtra and others, MANU/SC/0609/2024 dated 03.07.2024, the indefinite incarceration of the Applicant is not warranted.

6. Investigation in the crime is complete in all respect and charge-sheet is filed. Moreover, the co-accused in the alleged crime are released on bail by this Court in Bail Application Nos. 1609/2025 and 762/2025. Therefore, further incarceration of the Applicant is unjustified. The apprehension expressed by learned APP can be adequately taken care of by imposing stringent conditions upon the Applicant. Thus, I am inclined to enlarge the Applicant on bail.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Santosh Vithoba Bhuyare, 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. 170/2024 registered with Deglur Police Station, Dist. Nanded, for the offences punishable under Sections 302, 143, 147, 148, 149 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, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)