



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1969 OF 2025

Sagar Bapu Chaudhari

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....  
Mr. N.N. Desale, Advocate for applicant

Mr. G.O. Wattamwar, A.P.P. for respondents

Mr. S.A. Raut, Advocate h/f Mr. N.L. Chaudhari, Advocate for assisting A.P.P.

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CORAM : RAJNISH R. VYAS, J.

DATE : 16<sup>th</sup> MARCH, 2026

PER COURT :

. This is an application for grant of bail at the instance of original Accused No.1, who is arrested on 06<sup>th</sup> December, 2024 for commission of offence punishable under Sections 103(1), 61(2) and 3(5) of Bhartiya Nyay Sanhita, 2023 in connection with F.I.R. No.560 of 2024 registered with Amalner Police Station, Dist. Jalgaon dated 06<sup>th</sup> December, 2024. One more accused viz. Pooja is also arrested on 07<sup>th</sup> December, 2024.

2. Learned counsel for the applicant submits that if charge-sheet is perused, it would reveal that the case against the applicant and co-accused is based upon the circumstantial evidence and link of circumstances are not brought on record. Learned counsel for the applicant also submitted that the accused has no criminal antecedent.

3. Per contra, learned A.P.P. and learned counsel for the informant / assisting to A.P.P. submits that the material on record clearly shows that conspiracy was hatched by accused persons and thereafter crime was committed.

4. With the help of respective counsels, I have gone through the charge-sheet, which is produced on record.

5. At the outset, it is necessary to mention here that the trial Court has already released co-accused – Pooja. The record nowhere reveals that the present applicant was having love affair with co-accused – Pooja, and in order to eliminate the injured / deceased, conspiracy was hatched. Further, the deceased was taken at lonely place by the accused and thereafter was murdered, is also without basis.

6. The body of accused was forwarded for postmortem examination, report of which states that the probable cause of death is due to hemorrhagic shock due to head injury. Though the prosecution has contended that motive of crime was love affair between the applicant and co-accused – Pooja, nothing has been brought on record by way of statement or call details to show that both the accused were having love affair.

7. So far as the case of prosecution that the accused was died due to head injury, suffice it to say that if the spot panchanama / seizure report is

seen, it would reveal that the stone used in commission of offence was consisting of soil and small pieces of stones.

8. The last seen theory would also have to be tested during the course of trial, since the hotel owner / Vikas Mahajan was not knowing the accused before commission of crime and it is undisputed that the test identification parade is not conducted. In that view of the matter, without commenting anything on merit, I am satisfied that prima facie case is made out by the accused. Hence, I pass the following order :-

#### **ORDER**

- (I) Bail application is allowed.
- (II) The applicant be released on bail on furnishing bail bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand) with solvent surety in the like amount, in connection with F.I.R. No.560 of 2024 dated 06<sup>th</sup> December, 2024 with Amalner Police Station, Dist. Jalgaon for commission of offence punishable under Sections 103(1), 61(2) and 3(5) of Bhartiya Nyay Sanhita, 2023.
- (III) The applicant shall attend the proceedings regularly, without any fail.
- (IV) The applicant shall not influence the witnesses and tamper the evidence.

**( RAJNISH R. VYAS, J. )**