



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

20 BAIL APPLICATION NO. 1993 OF 2025

1. Rahul S/o Ramakant Parshetti,
Age : 20 years, Occu. Agri.,
R/o Village Mulaj, Tq. Omerga,
Dist. Dharashiv
2. Pradeep S/o Ambadas Kalshetti,
Age : 32 years, Occu. Agri.,
R/o Omerga, Tq. Omerga,
Dist. Dharashiv
3. Shivanand S/o Shankar Kukurde,
Age : 28 years, Occu. Agri.,
R/o. Village Kunhali, Tq. Omerga,
Dist. Dharashiv

... Applicants

VERSUS

The State of Maharashtra,
Through : Police Inspector,
Omerga Police Station,
Tq. Omerga, Dist. Dharashiv

... Respondent

...
Advocate for Applicants : Mr. Shailendra S. Gangakhedkar
A.P.P. for Respondent/State : Mr. G.O. Wattamwar

CORAM : SHAILESH P. BRAHME, J.

DATE : 07.04.2026

PER COURT :

Heard both sides.

2. After hearing for some time, when this Court expressed a view against applicant no. 1 – Rahul S/o Ramakant Parshetti, learned counsel seeks leave to withdraw application to his extent.

3. Application stands withdrawn to the extent of applicant no. 1 – Rahul Ramakant Parshetti.

4. Applicants no. 2 and 3 are seeking regular bail in connection with Crime No. 234 of 2025, registered with Umarga Police Station, Dist. Dharashiv for the offences punishable under Section 109, 126(2), 3(5), 61, 61(2) of Bharatiya Nyaya Sanhita, 2023, under section 4, 25 of the Arms Act, under section 135(2) of Maharashtra Police Act.

5. The applicants are involved in an offence of assault committed on 15.04.2025 at Umarga. It is alleged that two wheeler driven by victim Govind was intercepted by the applicants. Applicants alighted from a car and assaulted victim with a sharp weapon and, thereafter fled away.

6. Applicants are behind bars since 19.04.2025. Charge-sheet is filed.

7. Learned counsel for the applicants submits that vital piece of evidence, CCTV footage, is absolutely missing and no investigation is conducted in that respect. Eye witness, whose statement is recorded, is a chance witness being unreliable. The recovery and test identification parade have no probative value. It is submitted that there are no antecedents against applicants no. 2 and 3.

8. Learned APP would submit that there is clinching material to show that applicants are involved in a serious offence and sharp weapon was used causing serious grievous injuries. It is submitted that eye witness – Shridhar is an independent one and reliable. Recovery in test identification parade would corroborate the prosecution case. He submits that there are serious allegations against applicant no. 1 and remaining accused also. They have persistently indulged in the overt acts. It is submitted that the injuries inflicted on the victim are so serious that he was not in a position to depose.

9. I have considered the rival submissions of the parties.

10. The motive is the money transaction between victim and the accused person. Eye witness – Shridhar, in the test identification parade would connect applicants to the offence in question. No CCTV footage is collected during the course of investigation. The offence took place in a broad day light in the city of Umarga and the application for bail was rejected by the Sessions Court referring to the CCTV footage. This flaw creates doubt regarding involvement of the

applicants in the offence.

11. It transpires from record that the money transactions were with applicant no. 1 – Rahul. He has antecedents of two offences besides present one. Such is not the case with applicants no. 2 and 3. No antecedents are reported. It further reveals from the statement of wife of Govind – Shyamal, that threats were extended to him on 05.04.2025 during the Balaji fair by few persons. Applicant no. 1 was amongst them. Names of applicants no. 2 and 3 are not figuring. Roles of the applicants no. 2 and 3 are less inculpatory. There is sufficient incarceration. They are entitled to be released on bail.

12. Hence, I pass the following order :-

ORDER

I) Bail Application to the extent of applicant no. 1 – Rahul Ramakant Parshetti stands withdrawn.

II) Bail Application to the extent of applicant no. 2 - and 3, is allowed.

III) The applicant no. 2 - Pradeep S/o Ambadas Kalshetti and applicant no. 3 - Shivanand S/o Shankar Kukurde shall be released on bail in connection with Crime No. 234 of 2025, registered with Umarga Police Station, Dist. Dharashiv for the offences punishable under Section 109, 126(2), 3(5), 61, 61(2) of Bharatiya Nyaya Sanhita, 2023, under section 4, 25 of the Arms Act, under section 135(2) of Maharashtra Police Act, on following conditions:

(a) The applicants no. 2 and 3 shall furnish P.R. bonds of Rs.40,000/- each (Rs. Forty Thousand only) with one or more solvent surety each of like amount.

(b) The applicants shall not enter Umarga Taluka, District – Dharashiv, till the conclusion of the trial except for attending the dates of trial.

(d) The applicants shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(e) The applicants shall furnish their mobile / cell numbers and address to the investigating officer.

(f) The applicants shall co-operate the Investigating Officer in case any information is solicited from them.

(SHAILESH P. BRAHME, J.)

arp/-