



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

BAIL APPLICATION NO. 2021 OF 2025

NITIN BAPURAO MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Amol G. Kale
APP for Respondents : Mr. C. V. Badhane

...
BAIL APPLICATION NO. 2041 OF 2025

RADHESHAM PANJABRAO BHALERAO
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondents : Mr. C. V. Badhane

CORAM : SACHIN S. DESHMUKH, J.

DATE : 08-01-2026

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.597 of 2024, dated 04.10.2024, registered with Akhada Balapur Police Station, Akhada Balapur, Taluka Kalamnuri, District Hingoli, for the offences punishable under Sections 137(2), 140(2), 310(2), 109, 127(2), 115(2), 352, 351(2)(3), 61(2), 126(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3 and 25 the Arms Act, 1959. In the said crime, the applicants i.e. Accused no. 7 namely Nitin and Accused no. 2 Radhesham, were arrested on 10.10.2024 and 05.10.2024, respectively. After completion of the investigation, the chargesheet has been filed.

2. It is the prosecution's case that on 03.10.2024 at about 7.35 p.m., the informant received a call from Rahul Bondhare, a puncture shop owner. Rahul informed him that his father's motorcycle was found lying near the drain beside the service road at Kandali Phata, suggesting an accident had occurred. The informant rushed to the scene and found the motorcycle, but his father was missing. Despite informing relatives and making inquiries at nearby hospitals in Balapur, Nanded, and Waranga Phata, the father could not be traced. Later that same day, at about 9.18 p.m., the informant's mother received a WhatsApp voice call from the father's cell number. The caller allegedly stated that four persons had forcibly taken the injured man in a black Scorpio and assaulted him. Thereafter, the alleged abductors contacted the informant's brother via WhatsApp, confirming the father was in their custody, demanding a ransom of Rs. 1 Crore, and threatening to kill him if the payment was not made. It is alleged that unknown persons abducted the informant's father and demanded ransom, leading to the lodging of this report.

3. The learned counsel for the applicants submits that accused No. 7, Nitin, is not mentioned in the First Information Report (FIR). His name was introduced solely based on a confession made to the police by Accused No. 2, Radhesham, which resulted in his implication as an accused. Apart from the confession of the co-accused, there is no other material evidence connecting the Nitin

to the alleged crime. The other co-accused, including the main accused, have already been granted bail by orders of this Court on 19.03.2025, 02.04.2025, 28.04.2025, and 09.05.2025. The chargesheet cites 43 witnesses, but the trial has not yet commenced. The applicants have been in custody for a prolonged period, specifically for over a year since their arrest. Hence, prayed to allow the bail application on the grounds of parity and prolonged incarceration.

4. The learned APP opposed the application, submitting that the offence is serious. It was contended that the Accused no. 7's involvement surfaced during the investigation and that he is part of a gang that abducted an elderly man. The victim was detained and confined in a farmhouse for a ransom demand of Rupees One Crore. The prosecution contends that the applicant was in touch with the main accused and thus facilitated the crime by arranging the stay/confinement location for the abducted person whereas the Accused no. 2 is named in the FIR and played significant role in the alleged crime. Hence, prayed that the application be rejected.

5. Having heard the respective counsel for the applicants and the learned APP for the State and upon perusal of the material on record, including the charge sheet indicates that the other co-accused have already been released by this Court, on the principle of parity. When confronted with the progress in trial, the learned APP is not able to demonstrate the same.

6. The right to speedy trial enshrined under Article 21 of the Consitution of India is not eclipsed by the nature of offence. The prolonged incarceration of under trial, without commnecment or reasonable progress of trial, cannot be countenanced as it has the effect of converting pre trial detention into form of punsiment. Thus, keeping in view the verdict of the Honourable Apex Court in the *Javed Gulam Nabi Shaikh vs State of maharashtra and others*, MANU/SC/0609/2024, dated 03.07.2024, indefinite incarceration of the applicants are not warranted. Therefore, the applications warrant consideration.

7. Hence, the order:-

ORDER

- (i) The bail applications are is allowed.
- (ii) Applicants, Nitin Bapurao Mohite and Radhesham Panjabrao Bhalerao, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each, with one or two local solvent sureties, in the like amount, in connection with Crime No.597 of 2024 dated 24.12.2023 registered with Akhada Balapur Police Station, Akhada Balapur, Taluka Kalamnuri, District Hingoli, for the offences punishable under Sections 137(2), 140(2), 310(2), 109, 127(2), 115(2), 352, 351(2)(3), 61(2), 126(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 3 and 25 the Arms Act, 1959, on the conditions that;

- (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicants 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 applicants shall submit their Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the two near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein, are to the extent of these applications and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE