



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

BAIL APPLICATION NO. 2058 OF 2025

AVINASH ALIAS BATLYA SAHEBRAO INGOLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shubham D. Jayabhar
(Appointed through Legal Aid)
APP for Respondent : Mr. S. D. Ghayal
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17-01-2026

PER COURT:-

1. The applicant seeks regular bail in Crime No.450 of 2021 dated 13.12.2021 registered with Vajirabad Police Station, Nanded, for the offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code and Sections 4/25 of the Arms Act. In the said crime, the applicant is arrested on 16.12.2021.

2. The case of the prosecution that on 12.12.2021, the applicant and the co-accused, in furtherance of their common intention to kill the deceased by means of dagger. Therefore, the informant Milind, brother of deceased Rahul approached the police station and lodged the report for the commission of the aforesaid offences.

3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the alleged crime due to a preexisting enmity. The allegations are an afterthought. Further, the co-accused has already been released on bail by the trial Court. The applicant has been incarcerated for over four years, and the investigation is complete. Therefore prayed that the applicant be released on bail.

4. Learned A.P.P. has opposed the application and submitted that the allegations against the applicant are serious and sufficient to demonstrate commission of the alleged offense. Further, expressed the apprehension that there is possibility of tampering with the prosecution witnesses as well as the evidence. Hence, prayed to reject the application.

5. Having heard the respective counsel for both the sides and upon perusal of record including chargesheet, *prima facie*, it indicates that the applicant is in custody since 15.12.2021. Apart the present applicants, all the co-accused have been enlarged on bail by the trial court. The age of the applicant is only 23 years.

6. The applicant is behind the bars for almost four years. When confronted about the progress in trial, the learned A.P.P. could not demonstrate the same. Thus, considering the totality of the circumstances and adhering to the precedent set in the case of ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and others; MANU/SC/0609/2024, dated 03.07.2024***, by the

Honourable Apex Court. which emphasizes granting bail when continued incarceration serves no substantive purpose and parity is established with co-accused, there is strong justification for the applicant's release. As no further purpose would be served by keeping the applicant behind bars, it is concluded that the applicant is entitled to be released on bail.

7. Moreover, 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.

8. As far as the apprehension expressed by the learned A.P.P. is concerned, the same can be adequately taken care of by imposing stringent conditions. Hence, the order:-

9. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Avinash @ Batlya Sahebrao Ingole, 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.450 of 2021, dated 13.12.2021 registered with Vajirabad Police Station, Nanded, for the offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code and Sections 4/25 of the Arms Act, 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 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 the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.
- (iv) The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees of Rs.10,000/- to the appointed learned counsel on behalf of the applicant, as per rules.

[SACHIN S. DESHMUKH, J.]