



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2112 OF 2025

TAPESH KIRAN BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Laxman P. Dushing h/f Mr. K. J. Tandale

APP for Respondents-State : Mr. B. B. Bhise

CORAM : SACHIN S. DESHMUKH, J.

Date : 17th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 16.09.2025 bearing Crime No. 828 of 2025 registered with Kotwali Police Station, Dist. Ahilyanagar for the offences punishable under Sections 309(6), 311, 115(2), 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that on 15.09.2025, informant Durga Sonar and her family retired to sleep at their residence in Ahilyanagar. In the early morning of 16.09.2025, at approximately 02:30 a.m., when awakened by a noise and discovered two masked men armed with iron rods and Gilwars inside the house. Upon the main door being opened, noted two another masked

accomplices were standing outside. One assailant threatened her life and forcibly snatched her golden ornaments. When the informant attempted to retreat to the bedroom, another individual intercepted and assaulted her with kicks and fists. After the informant raised an alarm by shouting, all four suspects fled the premises, stealing her two-wheeler in the process. The informant subsequently lodged the FIR later that day on 16.09.2025.

3. The learned counsel for the applicants submits that there is a substantial variance in the timings and narration of the alleged incident in the statements recorded by the Investigating Officer. There is no incriminating material on record to connect the applicants with the alleged commission of the crime. Applicant is falsely implicated in the crime. As such, prayed to allow the application.

4. The learned APP submits that the incident is serious in nature, that the involvement of the applicant is apparent, and that there is sufficient material on record to indicate the applicant's complicity in the incident. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

5. Having heard the learned counsel for the applicant and the learned APP for the State, it is prima facie evident that the general allegations are made against the present applicant. Nevertheless, there is an absence of a specific role alleged against the present applicant.

6. Perusal of FIR explicitly states that all four assailants were wearing masks at the scene of incident. Consequently, the informant prima facie could not have seen their faces. Since the incident involved four individuals, and the informant was unable to clearly identify who performed which act while masked, the individual culpability of the accused is a matter for trial rather than pre-trial detention.

7. The investigation is almost complete. Thus, keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions.

8. In that view of the matter, the applicant deserves to be released on bail. Accordingly, following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Tapeshe Kiran Bhosale be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 828 of 2025 registered with Kotwali Police Station, Dist. Ahilyanagar for the offences punishable under Sections 309(6), 311, 115(2), 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall attend the concerned Police Station on every Sunday from 11.00 am to 2.00 pm, till filing of the charge-sheet.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) 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 states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi