



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 2168 OF 2025 WITH
CRIMINAL APPLICATION NO. 4619 OF 2025
IN BA/2168/2025

Akshay Sanjay HampeApplicant

VERSUS

The State of MaharashtraRespondent

Mr. N. B. Narwade, Advocate for Applicant.

Mrs. P. V. Diggikar, APP for the State.

Mr. S. R. Andhale, Advocate for the informant.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 3rd FEBRUARY, 2026.

PER COURT :

1. Learned Counsel Mr. Andhale seeks permission to assist learned APP.
2. Permission granted. Criminal Application No. 4619/2025 stands allowed.
3. Applicant seeks regular bail in connection with Crime No. 412/2025 registered with Ahilyanagar Camp Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 324(4), 191(3), 191(2), 191(3), 190, 189(2), 118(1), 109 of Bharatiya Nyaya

Sanhita, 2023 and Sections 37(1), 37(2) and 135 of Maharashtra Police Act.

4. Case of prosecution is that on 19.06.2025 in the midnight, informant alongwith his wife, who was pregnant, were proceeding towards Civil Hospital, Ahmednagar. When reached near Deshmukh colony, they saw one car was parked across the road and Applicant along with co-accused were standing in the middle of the road. Applicant asked him to put off the lights of the car. Immediately thereafter, all accused persons started pelting stones on the car of the informant. The informant and his wife alighted from the car and all accused persons started assaulting informant and his wife with wooden sticks. Applicant asked other accused to injure their limbs and further kill them. Accused persons also snatched gold chain and mangalsutra from the wife of informant. Informant lost some cash and gold ring in the assault. On the basis of these allegations, First Information Report came to be registered.

5. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the crime. Earlier, Applicant had lodged First Information Report No. 26/2025 against the brother-in-law of the informant and to counterblast the said report, present First

Information Report is lodged by the Applicant. Hence, prayed to allow the application.

6. Per contra, learned APP and learned Counsel for the informant vehemently opposed the application submitting that the Applicant is a habitual offender. There are criminal antecedents against the present Applicant attributing similar role. Applicant, along with co-accused have assaulted the wife of the informant, who was a pregnant lady. First Information Report attributes specific role against the present Applicant. Lethal weapons are to be recovered from the Applicant and other accused. An apprehension is also expressed that if the Applicant is enlarged on bail there is every possibility of he involving in the similar crime and tampering prosecution witnesses. Hence, prayed to reject the application.

7. Upon considering submissions of both sides and on perusal of the record, it is prima facie evident that the Applicant is a habitual offender. A specific role is attributed against the present Applicant in the First Information Report. There are criminal antecedents against the present Applicant attributing similar role. Further, some of the co-accused are absconding. The recovery of the weapons allegedly

used in the crime is yet to be made. Similarly, the stolen articles are also to be recovered.

8. Furthermore, the Applicant is involved in a serious offence of robbing the informant and his wife, who was 8 months pregnant at the time of the incident. The Applicant along with co-accused showed no mercy and robbed the informant and his wife of cash and gold articles. The allegations are prima facie substantiated by the fact that the Applicant has several similar criminal antecedents. As such, there is also likelihood of repetition of similar crime since, other co-accused are yet to be arrested.

9. If at this stage the Applicant is enlarged on bail, there is every possibility that he may tamper with the prosecution evidence and may create terror in the society. Moreover, in view of the fact that the Applicant is involved in serious crime of mercilessly assaulting a pregnant lady, who was approaching hospital, I am not inclined to exercise discretion in favour of the Applicant.

10. Hence, the application is rejected.

(SACHIN S. DESHMUKH, J.)