



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

BAIL APPLICATION NO.2191 OF 2025

Avinash s/o Arun Soge

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. S.C. Bhosle, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

By this application, the applicant seeks regular bail in connection with Crime No.190/2025, registered with Umri Police Station, District Nanded for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, the deceased Fardeen Shaikh Jamir Shaikh had gone to the field of Madhav Dasre on 10/5/2025 and he was found there by the applicant and

co-accused. They suspected the deceased as a thief and tied him with a tree in the field and thereafter he was brutally murdered by the applicant and the co-accused. The applicant is arrested in connection with the said alleged incident dated 10/5/2025, in relation to which initially A.D. was registered by the Police Patil. Thereafter, after a gap of one month i.e. on 10/6/2025, the brother of the deceased lodged the report and the Crime is registered for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that, the case is based on circumstantial evidence. There is delay in lodging the F.I.R. The investigation is over for all the purposes and as such, further incarceration of the applicant is not warranted.

4. Per contra, the learned A.P.P. opposed the application, submitting that the applicant is involved in a serious offence of committing murder of an innocent person.

5. Having heard the respective counsels for both the sides and upon perusal of record including the chargesheet, indicates that the present applicant had allegedly made an extra judicial confession to the witness namely Rushikesh, of having assaulted

the deceased. Apart from the same, there is no incriminating material against the applicant. Moreover, the said confession is an aspect of the trial and the same cannot be made as the sole basis to withhold the liberty of the applicant.

6. Nevertheless, the investigation is complete for all intents and purposes and considering the number of witnesses which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. As such, considering the delay in lodging the report which is unexplained vis-a-vis the possible delay in trial, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Avinash Arun Soge be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution

witnesses.

- (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-