



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

**BAIL APPLICATION NO. 2196 OF 2025**

PRABHAKAR SHANKARRAO HAMBARDE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Santosh C. Bhosle  
APP for Respondents-State : Mr. B. B. Bhise

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**CORAM : SACHIN S. DESHMUKH, J.**

**Date : 16<sup>th</sup> February, 2026**

**ORDER :-**

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 24.05.2025 bearing Crime No. 492 of 2025 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 109, 61(2) of the Bharatiya Nyaya Sanhita alongwith Sections 4, 25 and 27 of the Arms Act.

2. The FIR was lodged by the informant / injured Akash Jadhav alleging that the incident occurred on 18.05.2025. According to the informant, the applicant / accused contacted him on mobile and called him near the bridge on Sahyog Camp Road at approximately 10:00 pm. Upon the informant's arrival at the spot,

the applicant allegedly launched a physical assault against him using a dagger as a weapon. As a result of the attack, the informant sustained multiple injuries to his back, abdomen, and hand. The assault was reportedly interrupted by the intervention of bystanders. Following the altercation, the informant was immediately transported to the hospital for medical treatment.

3. The learned counsel for the applicants submits that the applicant is falsely implicated in the crime. Although the incident is alleged to have occurred on 18.05.2025, the FIR was lodged on 24.05.2025, resulting in an unexplained delay of six days. The learned counsel for applicant submits that the informant was medically fit and capable of giving a statement during this intervening period; however, no prompt action was taken to report the matter.

4. The learned counsel further submits that mere existence of criminal antecedents cannot be treated as an absolute or solitary ground to deny the fundamental right to bail. Moreover, the investigation is complete and the charge-sheet has been filed. As such, further incarceration of the applicant is unjustified. Hence, the counsel prayed to allow the application.

5. Per contra, the learned APP opposed the application submitting that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicants. The applicant assaulted the informant by means of a dagger. The applicant is a habitual offender with a significant history of criminal antecedents, many of which are strikingly similar in nature to the present offence. It is contended that if the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence and repetition of offence of similar nature. Accordingly, prayed for the rejection of the application.

6. Upon considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the alleged incident occurred on 18.05.2025, yet the FIR was registered on 24.05.2025. The significant delay of six days remains unexplained, especially considering that the informant was reportedly fit to record a statement. Such a time gap prima facie raises a reasonable doubt regarding the possibility of an afterthought to implicate the applicant.

7. While the prosecution highlights the applicant's criminal antecedents, it is a settled principle of law in the case of **Prabhakar Tewari Vs. State of U.P. and another [(2020) 11 SCC 648]** that mere existence of prior cases does not serve as a ground to deny bail, if the facts of the current case, fail to establish a prima facie necessity for continued incarceration.

8. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet 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. The arrest of the applicant is effected on 19.06.2025 and since the, the applicant is in jail.

9. 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 favor of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence and possibility of repetition of crime, can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order :-

**ORDER**

- (I) Application is **allowed**.
- (II) Applicant - Prabhakar Shankarrao Hambarde 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. 492 of 2025 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 109, 61(2) of the Bharatiya Nyaya Sanhita alongwith Sections 4, 25 and 27 of the Arms Act, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
- (b) Except attendance ordered in the Trial Court, the applicant shall not enter into entire vicinity of Nanded City and Vishnupuri Area, till conclusion of trial.
- (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 their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.

(e) Breach of any of the conditions by the applicant would entail the cancellation of the bail and the prosecution is at liberty to approach concerned Trial 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*