



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

BAIL APPLICATION NO. 2264 OF 2025

RAJU BHANUDAS KHAIRE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant: Mr. Sandip S. Nikam,  
Mr. Nilesh S. Ghanekar  
APP for Respondent : Ms. R. R. Tandale  
...

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

**DATE : 22-01-2026**

**PER COURT:-**

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.323/2025, registered with Cantonment (Chhavani) Police Station, Chhatrapati Sambhajnagar City, for the offences punishable under Sections 109, 115(2), 333, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, on the night of 02.08.2025, after returning home from work at 11.00 p.m. as usual and after having dinner along with children, the informant went to sleep alongwith the children. His wife was awoke. At about 1.00 a.m. on 03.08.2025, the informant's wife allegedly called her lover *present applicant to the house and took him in the house. Both of them allegedly attempted to kill the informant by strangulating him with a shawl, due to which he woke up and fell down from the*

*cot. It is alleged that, both of them assaulted him and present applicant sat on his chest and pressed his mouth with the help of pillow and his wife/co-accused caught hold of his hands. It is alleged that, the informant pushed aside Applicant and his wife and shouted loudly. However, both of them had kept the T.V. on with high volume. Therefore, raised alarm and banged the door loudly.*

3. The landlord Vishal Jadhav and his brother knocked the door loudly, at that time, the wife opened the door from inside and ran away whereas the informant caught hold present applicant. His landlord Vishal Jadhav and his brother came inside the house. Thereafter the informant came to know that the wife had already called present applicant in the house and made her children sit in an autorickshaw outside and were to kill him. People from the lane had gathered and caught present applicant. Subsequently, the report was lodged.

4. The learned counsel for the applicant submits that the co-accused (wife of thee Informant) has been released on bail by this Court in Bail Application No. 2495 of 2025. Her release was granted on the basis of an affidavit filed by the informant, in which he reportedly admitted that the F.I.R. was lodged due to a misunderstanding and that the parties had resolved the dispute. As such, considering both the principle of parity and the admission

by the informant in that related application, a strong possibility of false implication of the present applicant arises. His further custody is thus unjustified.

5. The learned A.P.P. has raised a formal objection to the bail application; however, he fairly conceded that the co-accused/wife is released on bail by this Court and the present applicant has similar role.

6. Upon hearing the respective counsels for both sides and upon perusal of the record indicates that this Court the co-accused (the wife of informant) has already been released on bail by this Court in Bail Application No. 2495 of 2025. The said order was predicated upon an affidavit filed by the informant himself, wherein the informant admitted that the original complaint was borne out of a misunderstanding and the matter had been resolved.

7. In light of such significant development and admission by the original complainant, the possibility of the false implication of the present applicant cannot be ruled out at this stage. Following the principle of parity, and given the informant's own admission, the continued custody and further incarceration of the present applicant would be unjustified.

8. Nevertheless, the investigation is complete for all intent and

purposes and the charge sheet is filed. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant.

9. Hence, the order:-

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Raju Bhanudas Khaire, 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.
  - (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]  
JUDGE

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