



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

BAIL APPLICATION NO.2304 OF 2025

Vaibhav s/o Raju Nalawade

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. D.S. Ingole, Advocate holding for
Mr. R.D. Padaswan, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.326/2025, registered with Karjat Police Station, District Ahilyanagar for the offence punishable under Sections 103(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case in brief is that, on 25/5/2025, deceased Hanumant Shrirang Vitkar had an altercation with the applicant and co-accused Adarsh tiwari. At about 5.00 p.m., while

the deceased was sleeping in the assembly hall of Bhairavnath Temple, co-accused Adarsh Tiwari hit the deceased on his head with stone, wooden bat and caused fatal injuries. It is alleged that the applicant was also accompanying with the co-accused Adarsh Tiwari. As such, it is alleged that, the applicant and the co-accused Adarsh Tiwari, in furtherance of their common intention, committed murder of deceased Hanumant Vitkar.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present crime. The investigation is complete and charge sheet has been filed, in which no specific overt act has been attributed to the present applicant. The basis for the arrest of the applicant appears to be extra-judicial confession made to the police officers, which is not admissible in evidence. Therefore, prayed for allowing the application.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence is serious in nature and the present applicant was also accompanying with the co-accused Adarsh Tiwari, in furtherance of their common intention, committed murder of deceased Hanumant Vitkar. As such, prayed to reject the application.

5. After having heard learned counsel for both the sides and perusal of the record including chargesheet, indicates that, the applicant allegedly had prior conflict with the brother of the informant (deceased) on account of his illicit relationship with his sister and is based on suspicion. The record further indicates that, the applicant was allegedly present near the temple during the alleged incident. However, no overt act is attributed against him. As such, he is implicated solely on the basis of last seen theory which is an aspect of trial. Apart from the same, there is no direct evidence to show the complicity of the applicant in the offence.

6. Nevertheless, the investigation is complete for all intents and purposes. Therefore, in my considered opinion, indefinite incarceration of the applicant is not warranted. 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 Vaibhav Raju Nalawade 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, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

fmp/-