



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**BENCH AT AURANGABAD**

BAIL APPLICATION NO.2311 OF 2025

Rahul s/o Siddheshwar Bhosle

**... APPLICANT**

**VERSUS**

The State of Maharashtra

**... RESPONDENT**

.....  
Ms Anagha Pedgaonkar, Advocate for applicant

Mr. G.O. Wattamwar, A.P.P. for respondent – State

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

**DATE : 11th FEBRUARY, 2026**

**PER COURT :**

1. The applicant seeks release on regular bail in connection with Crime No.0164/2025, registered with Chikalthana Police Station, District Chhatrapati Sambhajinagar for the offence punishable under Sections 103(1) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 5/4/2025 when the informant was sitting near his house, at about 10.37 p.m., he

received a phone call from his friend Manish Ubale, who informed that there is quarrel of the elder brother of the informant namely Sagar near Tadka Hotel and called him. Thereafter, when the informant along with his friends reached at the spot, his brother had sustained injuries to both thighs, head, and hand and he was lying in the pool of blood. At that time, one Vikas Sahani had also sustained injuries on back and stomach and Manish Ubale was present there. When the informant enquired with them as to who assaulted his brother, their names could not be identified as both the assailants had ran away before they reached the spot. The brother of the informant was rushed to Lifeline Hospital by Manish Ubale and the informant made search of the assailants at the spot, however, they could not be traced. Thereafter, the brother of the informant got discharged on the next day.

3. It is further alleged that, upon enquiry with the brother of the informant, he informed that, when he had gone to Zalta Phata for taking money of the work, on return, he met Vikas and Manish near Sahara City. Thereafter when they halted near a Tapari for taking cigarette, there was quarrel with two boys who abused Sagar. When questioned by Sagar as to why they were abusing, one of them hit a stone in the head of Sagar while another boy

pulled the former saying not to assault Sagar. Thereafter, a third boy came from Tadka Hotel and assaulted Sagar on his both thighs, on the right hand palm, due to which Sagar fell down in injured condition. When Vikas intervened, he was also assaulted.

4. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. There is unexplained inordinate delay in lodging the F.I.R. There is no motive for the applicant to commit the offence. The present applicant was in drunken condition at the time of the alleged incident and had sustained fracture to his hand, as such, making him physically unable to throw a stone with such force to cause death of a person. The investigation is complete and charge sheet has been filed and further custody of the applicant is not warranted. He further submits that, the prosecution seeks to examine 25 witnesses and the trial is not expected to commence and complete in near future. Nothing is to be recovered from the applicant.

5. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence is serious in nature and there is complicity of the applicant to commit the offence as is evident from the CCTV footage.

6. Having heard learned counsel for both the sides and upon perusal of the record, indicates that initially the informant had no clue about assailants and the name of the present applicant surfaced only during the investigation. So far as the CCTV footage, the veracity and the reliability of the said footage cannot be dealt into at this juncture. However, the same is an aspect of trial and cannot be used as a sole basis to withhold his liberty.

7. Nevertheless, the investigation is complete for all intents and purposes. Considering the number of witnesses which the prosecution seeks to examine, the trial is not likely to conclude within a reasonable period. Thus, the application warrants consideration. Accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

**ORDER**

- (i) Bail Application is allowed.
- (ii) The applicant Rahul Siddheshwar Bhosle 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/-