



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

BAIL APPLICATION NO. 2338 OF 2025

POLISTER KAMANSINGH PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Chaitanya C. Deshpande, Mr. R.B. Patil
APP for Respondent : Ms. R. R. Tandale
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-01-2026

PER COURT:-

1. The applicant is seeking regular bail in Crime No.259 of 2025 registered with Nandurbar Taluka Police Station, dated 27.07.2025, for the offences punishable under Sections 310(2), 351(2) and 115(2) of the *Bharatiya Nyaya Sanhita*, 2023. In connection with said crime, the applicant is arrested on 31.07.2025.
2. The prosecution case is that the informant and his friend, vegetable vendors in Andheri (W), were scammed *via* Facebook by one Mohit Shinde regarding 150 tonnes of copper scrap. Following Mohit's instructions, traveled to Nandurbar and then Dondaicha on 26.06.2025. A man on TVS motorcycle without bearing registration number met them and led them toward Saitane. Three accomplices arrived on motorcycle and another individual was already present. The group assaulted the informant, held a knife to his neck, and forced a Google Pay transfer to Mahir Pawar's

account. The miscreants then robbed both men of their mobile phones, cash, and gold ornaments before they lodged the report.

3. Learned counsel for the applicant submits that there is no *prima facie* sufficient evidence to connect the applicant with the alleged crime. The complaint is lodged against unknown persons. Hence, the applicant cannot be connected with the said crime. Though test identification parade is conducted, the informant did not give any description of those unknown persons and, therefore, test identification parade itself appears to be doubtful. No amount is transferred in the account of the applicant. The investigation is complete and the chargesheet has been filed. Hence, further incarceration of the applicant is unwarranted. Hence, prayed to allow the application.

4. Learned A.P.P. has opposed the application and submitted that the offence is serious in nature. The accused are habitual offenders. The manner in which the crime was committed demonstrates preparation and a clear intention to commit dacoity. The A.P.P. pointed out the material evidence against the applicant and noted that previous serious offences, including robbery and dacoity, have already been registered against the accused. Hence, prayed to reject the application.

5. Upon considering the submissions and perusing the material on record, including the chargesheet indicates that the applicant was arraigned as an accused during investigation and purportedly

identified during a Test Identification (TI) parade. However, the learned counsel for the applicant has questioned the procedure and manner in which the TI parade was conducted, contending that it is in violation of the Criminal Manual procedure.

6. There is no other material linking the applicant to the alleged crime. Pertinently, the aspect of the TI parade and its validity can be dealt with during the trial of the proceedings, at present there is, *prima facie*, no other incriminating material against the applicant on the record.

7. As far as the aspect of criminal antecedents at the discredit of the applicant is concerned, the settled position of law that prior history cannot be used as the sole basis to withhold the applicant's liberty. Thus, an apprehension expressed by the learned A.P.P. regarding potential future offences can be sufficiently addressed by imposing stringent conditions.

8. The investigation is complete for all intent and purpose, resultantly, the chargesheet 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. As such, further incarceration 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 favour of the applicant.

9. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Polister Kamansingh Pawar, 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 Crime No.259 of 2025 registered with Nandurbar Taluka Police Station, dated 27.07.2025, for the offences punishable under Sections 310(2), 351(2) and 115(2) of the *Bharatiya Nyaya Sanhita, 2023*, on the conditions that;
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) 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.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.
- (iii) Needless to state 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.]