



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 BAIL APPLICATION NO. 2373 OF 2025

Kartarsingh Hatyarsingh TakApplicant

VERSUS

The State of MaharashtraRespondent

Mr. V. D. Gunale, Advocate for Applicant.

Mr. B. B. Bhise, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026.

PER COURT :

1. Applicant has preferred this application seeking regular bail in connection with Crime No. 321/2025 registered with Ramtirth Police Station, Dist. Nanded, for the offence punishable under Section 310(4) of Bharatiya Nyaya Sanhita, 2023 and Section 4/25 of Arms Act.

2. The case of prosecution is that on 29.10.2025 when the complainant along with driver were in patrolling duty, received information on phone that they have to go at Ramtirth. Accordingly, when they reached Ramtirth, they were told by police personnel at Degloor that when they were on patrolling duty at Madnur Naka, found one white colour vehicle bearing registration No. MH 03 CV

8664. They took photograph of the vehicle and on enquiry, the accused fled towards Nanded. Thereafter, complainant along with other police personnel, followed the vehicle. When reached near Shankar Nagar, accused turned the vehicle towards village Ramtirth. Complainant followed the vehicle and at 4.00 am when reached at Dongaon, caught the Applicant along with co-accused and seized the vehicle. They found knife, iron rod and sword in the said vehicle. The vehicle and two mobile phones were also seized. In this backdrop, the First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely involved in the crime. There is no incriminating evidence against the Applicant. The arrest of the Applicant is effected only on the basis of suspicion. Further, nothing is to be recovered from the Applicant. The co-accused is enlarged on bail by the Sessions Court. Applicant is arrested on 29.10.2025. Investigation in the crime is complete and charge-sheet is filed. Hence, prayed to allow the application.

4. Per contra, learned APP for the State vehemently opposed the application submitting that the Applicant is a habitual offender and

several offences including bodily offences are registered against him. An apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility that he may indulge in the similar offences. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it prima facie appears that the arrest of the Applicant is effected on the basis of suspicion. Nothing is to be recovered from the Applicant. Except the fact that the Applicant was found in the vehicle with weapons, prima facie nothing incriminating evidence is there on record to indicate complicity of the Applicant in the present crime. Further, the co-accused is enlarged on bail. Thus, Applicant is entitled to be admitted to bail on the ground of parity.

6. Nevertheless, investigation in the crime is complete for all purpose and intent. Resultantly, charge-sheet is filed. Applicant is arrested on 29.10.2025. In view of the fact that the arrest of the Applicant is effected on the ground of suspicion coupled with the fact that the co-accused is enlarged on bail, further incarceration of the

Applicant is unjustified. Thus, I am inclined to exercise discretion in favour of the Applicant.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Kartarsingh Hatyarsingh Tak, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 321/2025 registered with Ramtirth Police Station, Dist. Nanded, for the offence punishable under Section 310(4) of Bharatiya Nyaya Sanhita, 2023 and Section 4/25 of Arms Act, on the following conditions :-
 - (a) The Applicant shall not pressurize the prosecution witnesses and 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 and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant 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 concerned Court seeking cancellation of bail.

(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.)

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