



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

**BAIL APPLICATION NO. 2392 OF 2025**

VIKAS DHARMA RAKHUNDE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Satej S. Jadhav  
APP for Respondents-State : Mr. A. R. Kale

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

**Date : 2<sup>nd</sup> February, 2026**

**ORDER :-**

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 22.03.2025 bearing Crime No. 96 of 2025 registered with Bhusawal City Police Station, for the offences punishable under Sections 103(1), 238, 61(2), 189(2), 189(4), 191(2), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita alongwith Sections 3/25 and 4/25 of the Indian Arms Act.

2. The prosecution case in short is that on 13.03.2025, the accused persons allegedly entered into a criminal conspiracy of committing the murder of the deceased Mukesh. As part of this premeditated plan, co-accused Surekha hinted the other accused persons, including the present applicant, regarding the arrival of the deceased at her residence.

3. Acting upon this tip, the accused persons arrived at the location armed with weapons and launched an assault on Mukesh, leading to his death. Following the murder, the accused persons removed the body from Surekha's house and transported it to a forest, where they buried it to destroy evidence of the crime. The matter came to light on 22.03.2025, when Avinash Bhalerao, the brother of the deceased, lodged the FIR.

4. The learned counsel for the applicants submits that the applicant is falsely implicated in the crime and it is a case of over implication. The prosecution case lacks specific overt acts attributed to present applicant. While the FIR mentions a "conspiracy" and "armed assault," it fails to specify the weapon carried by the applicant or what exact injury he caused. It is argued the allegations against the applicant is general and sweeping in nature. The investigation is complete and the charge-sheet has been filed. As such, no further incarceration of the applicant unjustified. Hence, the counsel prayed to allow the application.

5. Per contra, the learned APP opposed the application

submitting that the prosecution case prima facie establishes a chain of conspiracy. Co-accused Surekha provided the information regarding the deceased's location, after which the applicant, along with others, arrived armed with lethal weapons. This indicates a pre-meditation and a shared common intention to eliminate Mukesh, indulging a statement of child witness Diksha and Pratiksha. As such, there is sufficient material on record indicating the complicity of the applicant. It is contended that if the applicant is enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

6. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the the entire prosecution case hinges on circumstantial evidence and the statement of co-accused Surekha. The prosecution has provided a narrative that generalizes the assault. The statements of the child witnesses were recorded at a deferred juncture, seemingly to align with the prosecution's case; consequently, the veracity of these statements is a matter to be considered during the trial. However, there is prima facie no specific recovery of a weapon at the instance of Vikas that connects

him directly to the fatal injuries of the deceased.

7. The investigation is complete for all intent and purposes. 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.

8. As such, further detention 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 favor of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence, can be adequately taken care of by imposing stringent condition.

9. Hence, the following order :-

**ORDER**

- (I) Application is **allowed**.
- (II) Applicant – Vikas Dharma Rakhunde be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 96 of 2025 registered with Bhusawal City Police Station, for the offences punishable under Sections

103(1), 238, 61(2), 189(2), 189(4), 191(2), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita alongwith Sections 3/25 and 4/25 of the Indian Arms Act, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
  - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
  - (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.
- (III) Needless to states 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.)**

*Omkar Joshi*