



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 BAIL APPLICATION NO. 2402 OF 2025

Rohan Alias Pilya Ashok DhereApplicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. N. B. Khandare, Senior Counsel instructed by Mr. K. J.
Suryawanshi, Advocate for Applicant.
Mr. S. D. Ghayal, APP for the State.

WITH

BAIL APPLICATION NO. 2401 OF 2025

Suhas Alias Bhaiya Hirachand Patole Applicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. N. B. Khandare, Senior Counsel instructed by Mr. K. J.
Suryawanshi, Advocate for Applicant.
Mr. S. D. Ghayal, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicants in both the applications seek regular bail in connection with Crime No.140/2025 registered with Yusuf Wadgaon Police Station, District Beed, for the offences punishable under

Sections 103(10), 140(2), 118(1), 115(2), 189(2), 191(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023.

2. The case of prosecution is prior to the incident there was a dispute between deceased and co-accused Sonya Maske. Informant pacified the dispute by assuring that his brother, Anna, would not enter the area of Pawandham. On 26.05.2025, informant received a telephone call from co-accused Rohan Maske that his brother Anna has been caught at Pawanadham. However, noting that the deceased has reached the area of Pawandham and met where the wife of Sonya joined the company for considerable period. Realizing the same, the deceased was caught hold and assaulted by the accused persons. Immediately, the informant along with his friend proceeded towards the spot. On Kalam-Ambajogai road, it was noticed that deceased Anna was lying in injured condition on the ground. During the journey to the hospital, the deceased disclosed that co-accused Rohan Maske and Sonya Maske alongwith their friends had assaulted him. Deceased succumbed to the injuries during treatment at hospital. On these allegations, First Information Report came to be registered.

3. Learned Senior Counsel for the Applicants submits that this is a case of over-implication. No specific role is attributed against the Applicants. There was no enmity between the Applicants and the deceased. The incident occurred in a fit of passion. There was no premeditation on the part of the present Applicants. Moreover, there are no criminal antecedents against the Applicants. Hence, prayed to allow both the applications.

4. Learned APP vehemently opposed the application citing serious nature of the offence. It is submitted that the brother of the informant has lost his life in the incident. Version of Sachin, who is an eye-witness, establishes the complicity of the Applicants in the crime. It is further submitted by learned APP that enmity between the parties coupled with the earlier dispute between the parties indicate motive of the Applicants. Pointing out gravity of the offence an apprehension is also expressed that, if the Applicants are enlarged on bail, there is every possibility of tampering with prosecution evidence. Hence, prayed to reject the application.

5. Upon considering the submissions of both sides and on perusal of the record, including charge-sheet, it is *prima facie* evident that supplementary statement of eyewitness Sachin corroborates the case

of the prosecution. Furthermore, Postmortem report also prima facie indicates and establishes the cause of the death as hemorrhage and shock due to multiple injuries. Postmortem report indicates in as much as injuries. The fact that there was previous dispute between the parties indicates that the act of the Applicants is premeditated. Thus, prima facie there is overwhelming material on record to indicate complicity of the present Applicants.

6. The Hon'ble Apex Court in case of ***Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]***, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See *Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.*)

7. Similarly, the Hon'ble Apex Court in case of ***Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]***, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied. Equally, the Hon'ble Apex Court in case of ***State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]***, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present Applicants.

8. The Hon'ble Apex Court, in the case of ***Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)***, has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear *prima facie* case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

9. In light of aforesaid facts and precedents, the *prima facie* overwhelming material collected by the prosecution during the

investigation, it is clear that on account of the deceased accompanying the wife of accused No. 1, Vaibhav @ Sonya Shankar Mhaske, was caught and assaulted by the accused persons, and in the process, inflicted with as many as 31 injuries. The injuries were fatal, with the cause of death being hemorrhage and shock resulting from multiple injuries all over the body of the deceased. Thus, the prosecution has established the motive, and the commission of the offense and the same is witnessed by the eyewitness.

10. Resultantly, the applications do not warrant consideration and, accordingly, both applications stand rejected.

(SACHIN S. DESHMUKH, J.)

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