



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

BAIL APPLICATION NO.2405 OF 2025

Akash Ashok Vanjare

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Mr. S.B. Rajebhosale, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent – State, assisted by

Mrs. Rashmi S. Kulkarni, Advocate for intervener.

.....

WITH

**CRIMINAL APPLICATION NO.4820 OF 2025 IN
BAIL APPLICATION NO.2405 OF 2025**

Yogesh Maroti Dane

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mrs. Rashmi S. Kulkarni, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent – State

Mr. S.B. Rajebhosale, Advocate for respondent No.2

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

1. Criminal Application No.4820/2025 is allowed and disposed of. The applicant first informant is permitted to assist learned A.P.P.

2. By this Bail Application, the applicant seeks his release on regular bail in connection with Crime No.639/2025, registered with Bidkin Police Station, District Sambhajnagar for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45 and 51 of the Bhartiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that, the nephew of the informant namely Tanmay Ganesh Chormare had been staying at the informant's house since 21/10/2025 owing to holidays to his College. On 20/10/2025, Rutik Dharme displayed a banner, displaying Diwali Wishes right in front of Chhatrapati Shivaji Maharaj Statue. On 22/10/2025, Rushikesh @ Chiman Jadhav displayed his own birthday banner, enveloping the banner of Rutik's banner. This was reportedly done at the behest of the present applicant and one Waman Ramrao Sathe despite Bajrang Thange asking him to avoid the same.

4. On 23/10/2025, approximately at about 8.00 p.m., Rutik played a mobile recording for the information of conversation between Bajrang Thange and Rushikesh @ Chiman Jadhav, which indicates Bajrang Thange allegedly threatened Chiman Jadhav. Following this, Rutik Dharme telephonically called Rushikesh

Jadhav to confront him about the recording, leading to an exchange of hot words between them. At about 9.30 p.m., while Rutik Dharke, Akash Gorakh Dharme, Gorakh Bhanudas Dharme, Namdeo Dharme, and Somnath Tupe were talking with each other near Rutik Dharme's house, the informant and his nephew Tanmay went there. While they were all sitting together, Rushikesh @ Chiman Jadhav, Rahul Thange, Santosh Thange, Pradip Thange, Sagar Thange, accompanied by 30 to 35 unknown persons, armed with iron pipes, rods and wooden handles, arrived and started assaulting the group. During this scuffle, Rahul Thange caught Tanmay. Rushikesh Jadhav, Pradip Thange, Sagar Thange allegedly assaulted Tanmay by fists and kicks. Santosh Thange then allegedly stuck Tanmay on his head with an iron rod with intent to kill him. The assailants then fled the scene.

5. Realising that blood was oozing from Tanmay's ear and nose, the informant and Harshad immediately hospitalized Tanmay at Varad Hospital, Bidkin and later on transferred to CIIGMA Hospital, Chhatrapati Sambhajinagar for further treatment.

6. On 24/10/2025, Tanmay died during the course of his treatment. In the aforesaid backdrop, Crime No.639/2025 came to

be registered with Bidkin Police Station, District Aurangabad for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45 and 51 of the Bhartiya Nyaya Sanhita, 2023.

7. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present crime. The applicant has neither participated in the scuffle nor in any manner assaulted either the victim or any of the complainant group. Learned counsel for the applicant further submits that, the similarly situated accused namely Waman Sathe, to whom the identical role is attributed, is protected by this Court by granting pre-arrest bail in Anticipatory Bail Application No.2123/2025. The applicant is arrested on 26/10/2025. The investigation is complete, charge sheet is filed. As such, further incarceration of the applicant is unjustified.

8. Per contra, the learned A.P.P. along with the learned counsel for the informant have opposed the application submitting that the applicant has actively conspired with the accused and as such, facilitated to commit the offence, which is of serious nature. There is overwhelming incriminating material as against the applicant and the applicant is the conspirator of the entire episode

of installing the banner leading to the incident in question.

9. Upon hearing the respective counsel, perusing the material on record including the Chargesheet and the statements made available, it is prima facie evident that, the statement of the witnesses do not indicate any involvement of the present applicant in the commission of the murder. The statement only indicates that the banner was installed by accused Rushikesh at the instance of the present applicant. In any case the same was prior to the commission of the alleged incident.

10. Although by the statements of witnesses Somnath and Amol, an attempt is made to implicate the present applicant in the commission of murder, however, the same does not inspire confidence since same is recorded after a gap of almost one month of the incident. Nevertheless, the request of the applicant warrants consideration since the similarly situated accused namely Waman Sathe has been protected by this Court by granting pre-arrest bail in Anticipatory Bail Application No.2123/2025.

11. Recently, the Hon'ble Apex Court, in case of **Arvind Dham Vs. Directorate of Enforcement** (SLP (Crl.) No.15478/2025, decided on 6/1/2026), has held that, accused has

fundamental right to speedy trial and same cannot be eclipsed by the nature of offence. The Apex Court held that the delay in trial is valid ground to grant bail. The learned A.P.P. could not demonstrate justifiable reasons in relation to delay in the trial as such. Thus, it is well settled that, if the State or any prosecuting agency including the Court concerned has no wherewithal to provide or protect the fundamental right of an accused to have speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious.

12. Nevertheless, the investigation is complete for all intent and purposes. Nothing further is to be recovered from the applicant and considering the number of witnesses which the prosecution is likely to examine, the trial is unlikely to conclude within a reasonable period. Therefore, indefinite incarceration of the applicant in custody is unjustified and particularly when the other accused is enlarged on pre-arrest bail by this Court. The apprehension expressed by the prosecution and learned advocate for the informant can be taken care of by imposing stringent condition, directing the applicant not to tamper with the prosecution witnesses in any manner. Therefore, the request of the applicant

warrants consideration.

13. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Akash Ashok Vanjare 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 in any manner.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-