



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

BAIL APPLICATION NO. 2446 OF 2025

SONU SUDHAKAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Sonali G. Somwanshi h/f.
Mr. Shaikh Abdullah Ashfaque
APP for Respondent : Mr. B. B. Bhise
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.173 of 2025 dated 09.04.2025 registered with Rahata Police Station, Ahilyanagar, for the offences punishable under Sections 109(1), 310(2), 118(1), 324(4)(5), 115(2), 352, 351(2)(3), 111 and 238 of the *Bharatiya Nyaya Sanhita, 2023*. In the said crime, applicant was arrested. In the said crime, the applicant was arrested on 30.05.2025. After completion of the investigation, the chargesheet has been filed.

2. It is case of the prosecution that on 08.04.2025 at 17.30 hours near Hotel Rahata, the applicant along with the co-accused arrived in a white car and suddenly attacked the complainant without provocation. The applicant armed with a iron rod (*katti*), struck the complainant once on the head causing a bleeding

lacerated wound and after the complainant fell, further assaulted the injured on the back and legs with the said rod. Co-accused Vijay hit with a wooden stick while the third accused used fists and kicks on hands, legs of the injured. After assault, the accused abused the complainant and threatened to kill before fleeing in the car. Hence, the report.

3. Learned counsel for the applicant submits that the applicant is implicated in the crime. The name of the applicant is mentioned merely on suspicious. No identification parade is carried out for identifying the accused. There is nothing to be recovered from the applicant. There is unexplained delay in lodging the report. The investigation is complete and the chargesheet is filed. Hence, further incarceration of the applicant is unwarranted. Hence, prayed to admit the applicant on bail.

4. Learned A.P.P. has opposed the application and contended that the specific role played by applicant is mentioned in the complaint. The applicant caused brutal assault by means of sharp weapon i.e. *Katti* on the head of the complainant thereby causing grievous injury and also the co-accused had assaulted by means of iron chopper. The injured complainant was admitted in the hospital and his statement was recorded. The alleged weapon is recovered at the instance of accused.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the chargesheet indicates the prosecution's story against the applicant remains in the realm of suspicion rather than substantiated fact. While the FIR alleges an unprovoked attack with an iron rod, the medical evidence is yet to prove that the injuries sustained were life-threatening. The applicant asserts that he has been falsely implicated due to prior enmity or mistaken identity, and no recovery of any incriminating material has been made directly from his person to link him to the specific overt acts described in the report.

6. Furthermore, the failure to conduct a Test Identification Parade is, *prima facie*, fatal for the prosecution. Considering that the accused was purportedly a stranger to the complainant at the time of the incident on 08.04.2025, a prompt TIP was essential to verify the identity of the assailant and test the veracity of the witness's memory. This procedural lapse creates a substantial degree of doubt, making the applicant's continued detention based on a contested identity legally untenable.

7. 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 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 favour of the applicant.

8. As far as the apprehension expressed by the learned A.P.P. is concerned, the same can be adequately taken care of by imposing stringent conditions.

9. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Sonu Sudhakar Pawar, 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.173 of 2025 dated 09.04.2025 registered with Rahata Police Station, Ahilyanagar, for the offences punishable under Sections 109(1), 310(2), 118(1), 324(4)(5), 115(2), 352, 351(2)(3), 111 and 238 of the *Bharatiya Nyaya Sanhita, 2023*, 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 not enter into the village Rahata, till conclusion of trial, except attending the trial.
 - (d) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this 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]
JUDGE

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