



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

BAIL APPLICATION NO.2455 OF 2025

Kiran @ Babu Raosaheb Nikam & anr. ... **APPLICANTS**

**VERSUS**

The State of Maharashtra ... **RESPONDENT**

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Mr. V.D. Sapkal, Senior Advocate i/b  
Mr. S.R. Sapkal, Mr. Yash A. Jadhav and Mr. A.D. Khedkar  
Advocates for applicants  
Mr. P.P. Dawalkar, A.P.P. for respondent -State  
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**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 5<sup>th</sup> JANUARY, 2026**

**PER COURT :**

The applicants seek bail in connection with Crime No.0178/2025, dated 28/5/2025, registered with Paithan Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 109, 118(1), 118(2), 189(2), 190, 191(1) and 191(2) of the Bhartiya Nyaya Sanhita, 2023.

2. Heard the learned Senior Counsel for the applicants, the learned A.P.P. for the State. Perused the chargesheet made available.

3. It is the case of the prosecution that on 27/5/2025, at around 10.30 p.m., the informant while returning home was approached by three motorcycles, began chasing the informant and it is alleged that there were around eight unknown persons, one of them struck the informant on his right hand, due to which, the informant fell down. Thereafter, four to five persons assaulted the informant with iron rod and wooden sticks. Resultantly, the informant suffered several injuries and sustained fractures. After the alleged incident, the accused fled away from the spot. Accordingly, the First Information Report was lodged.

4. Learned Senior Counsel for the applicants submits that, after registration of crime on 28/5/2025, the chargesheet came to be filed on 6/9/2025. The applicants are not named in the First Information Report. Moreover, the applicants are in custody, as such, were available for investigation and resultantly now the chargesheet is filed. Hence, prayed to allow the application.

5. Per contra, the learned A.P.P. submits that, the act of all the accused is of serious nature and accused persons have rather actively participated in the incident. Hence, prayed to reject the application.

6. The offence has been registered against unknown persons, and the names of the present applicants are mentioned in

the supplementary statement which is recorded on 4/8/2025, i.e. after a gap of two months. In absence of specific role attributed to the applicants in the alleged incident, the further pre-trial custody of the applicants is not warranted. Moreover, the investigation of the crime is completed and the chargesheet has been filed. Thus, no fruitful purpose would be served by keeping the applicants behind the bars. The co-accused Shaikh Ejaj Alias Ajju Shaikh Gani has been released on bail by this Court by order dated 4/12/2025 in Bail Application No.2186 of 2025. Therefore, on the ground of parity also the applicants deserve to be released on bail.

7. Considering the nature of offences and prima facie evidence on record, it reveals that no motive is attributable to the applicants to participate in the alleged incident. Except the present First Information Report, the applicants have no criminal antecedents. Hence, the following order :

**ORDER**

- (i) Bail Application is allowed.
- (ii) The applicants Kiran @ Babu Raosaheb Nikam and Raju Raosaheb Pahade be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety of the like amount by each of them in the above crime, on the conditions that :

- (a) The applicants shall not tamper with the prosecution witnesses.
- (b) The applicants 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/-