IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2486 OF 2025 **WITH**
CRIMINAL APPLICATION NO.138 OF 2026

Sanjay s/o Ramesh Sirsath … **APPLICANT**

VERSUS

The State of Maharashtra … **RESPONDENT**

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Mr. Shaikh Ashraf Patel, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State
Ms Poonam Bodkhe Patil, Advocate for informant

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026

PER COURT :

Criminal Application No.138/2026 is allowed and disposed of. The informant is permitted to assist learned A.P.P.

2. By this application, the applicant seeks his release on bail in connection with Crime No.276/2025, registered at City Chowk Police Station, Chhatrapati Sambhajinagar for the offences punishable under Sections 109, 115(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 25 of the Arms Act.

3. The prosecution case, as per the report lodged by Rohit Rajendra Tupe is that, on 30/7/2025 at about 10.00 p.m., he parked his autorickshaw near Church and when he was proceeding to his house, the pet dog of the present applicant barked on him. When he asked the applicant to keep the dog inside, the applicant caught hold of his collar and beat him. The sons of the applicant by name Anand Sirsath and Chetan Sirsath also beate him. After some time, when the brother of the informant by name AkshayTupe came, he narrated the incident. Thereafter, they went for inquiry with the present applicant. At that time, Anand Sirsath came with a sword and gave a blow over the head of informant. The applicant assaulted him by knife. However, the informant saved himself and pushed the present applicant away. Then, the present applicant, Anand Sirsath and Chetan Sirsath assaulted Akshay Tupe and caused him serious injury. The injured was then taken to hospital.

4. Learned counsel for the applicant submits that, the incident took place on the trifling cause of barking of dog. The applicant is arrested on 31/7/2025 and since then he is in custody. Now the charge sheet is filed. As per the medical certificates, the injuries are simple in nature. The applicant has no criminal antecedents, therefore, prayed to allow the application. The co-

accused Chetan Sanjay Sirsath has been released on bail by this Court by order dated 28/11/2025, passed in Bail Application No.2164/2025. As such, even on the ground of parity, the applicant is entitled to be released on bail.

5. The learned A.P.P. and learned counsel for the informant opposed the application, contending that the offence is serious in nature. There is direct evidence against the applicant. The applicant has assaulted the informant and witness by means of knife. As such, the learned A.P.P. prayed for rejection of the application. Learned counsel for the informant submitted that, if the applicant is released on bail, there is every likelihood of tampering with the evidence and committing similar offence by the applicant.

6. Having heard the respective counsels for both the sides and upon perusal of record including the chargesheet and the medical record, the injuries caused to the informant and the witness prima facie are of simple in nature. The co-accused Chetan Sanjay Sirsath has been enlarged on bail. Therefore, on the ground of parity also the applicant deserves to be released on bail.

7. Nevertheless, the investigation is complete for all intents and purposes and considering the number of witnesses

which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. The apprehension expressed by learned counsel for the informant can be adequately taken care of by directing the applicant not to reside in the jurisdiction of the concerned Police Station till conclusion of the trial. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

O R D E R

(i) Bail Application is allowed.

(ii) The applicant Sanjay Ramesh Sirsath 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.

(b) The applicant shall remain present on each date, unless exempted by the trial Court.

(c) The applicant shall not reside within the jurisdiction

of City Chowk Police Station, Chhatrapati Sambhajinagar till framing of the Charge. The applicant shall give his address of residence to the concerned Police Station.

(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/-