



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 BAIL APPLICATION NO. 2496 OF 2025

Omprakash Sanjay Alias Sanjaykumar SavatarApplicant

VERSUS

The State of MaharashtraRespondent

Mr. A. N. Nagargoje, Advocate holding for Mr. B. R. Jaybhay, Advocate
for Applicant.

Mr. P. P. Davalkar, APP for the State.

WITH
BAIL APPLICATION NO. 2479 OF 2025

Sunil Narsing Deshmukh Applicant

VERSUS

The State of MaharashtraRespondent

Mr. R. A. Jaiswal, Advocate for Applicant.

Mr. P. P. Davalkar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th JANUARY, 2026.

PER COURT :

1. Applicants seek regular bail in connection with Crime No. 220/2025 registered with Dhoki Police Station, Dist. Dharashiv, for the offences punishable under Sections 49, 61(2), 103(1), 106(1), 125(a), 125(b), 281, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of prosecution is that deceased Ramchandra is the elder brother of the informant. When informant asked co-accused Madhuri about her husband/deceased, she told that he had gone to village Raghuchiwadi for collecting money from her mother. Thereafter, informant tried to contact deceased on his cell phone, however, deceased did not reply. Later on, at about 10.30 pm, when co-accused Madhuri called deceased, an unknown person informed her that a man was lying on the road. Upon hearing this, she alongwith informant and his wife reached to the spot and found deceased was lying in injured condition. They took him to the hospital, where he succumbed to the injuries. On these allegations, initially, First Information Report was registered under Sections 106(1), 125(a), 125(b) and 281 of the BNS. However, later on, it was transpired during the investigation that co-accused Madhuri i.e. wife of the deceased, on account of her illicit relations with co-accused Parmeshwar, hatched a conspiracy and committed murder of the deceased. Accordingly, offences under Sections 103(1), 61(2) read with 3(5) of the BNS were added.

3. Learned Counsel for the Applicants submit that the case of the prosecution is based on circumstantial evidence and there exists no

chain of evidence to connect the Applicants with the alleged crime. There is unexplained delay of four days in lodging First Information Report. No specific role is attributed against the present Applicants. Charge-sheet does not support the case of prosecution that accused Nos. 1 to 4 were in contact with each other and they gave location of deceased to accused No. 2. It is further submitted by learned Counsel for the Applicants that considering the age of Applicants who are 18 and 24 years old respectively, coupled with the fact that nothing is to be recovered from the Applicants, both the applications be considered.

4. Per contra, learned APP vehemently opposed the applications by citing serious nature of crime. It is submitted that the elder brother of the informant has lost life in the incident. It is further submitted by learned APP that the CCTV footage indicates that the Applicants were chasing the deceased. The deceased was last seen in the company of Applicants. Further, CDR report indicates that the location of deceased, present Applicants and accused No. 1 was same on the date of the incidents, which explicitly indicates that there was conspiracy between the Applicants and accused No. 1. Hence, prayed to reject the applications.

5. Upon considering submissions of both sides and on perusal of record, including charge-sheet, it is prima facie evident that the prosecution case is based on circumstantial evidence. There is delay in lodging First Information Report which is not explained. Though CCTV footage indicates that the Applicants were chasing the deceased, the authenticity of CCTV footage would be a matter of trial.

6. Nevertheless, investigation in the crime is complete for all intent and purpose. Resultantly, charge-sheet is filed. Considering the number of witnesses which the prosecution is likely to examine, the trial is unlikely to conclude within a reasonable period. Therefore, further indefinite incarceration of the Applicants is unjustified. In that view of the matter, and considering the age of the Applicants, I am inclined to exercise discretion in their favour. As such request of the Applicants warrants consideration.

7. Hence, the following order :-

ORDER

- (i) Applications are allowed.
- (ii) Applicants Omprakash Sanjay Alias Sanjaykumar Savatar and Sunil Narsing Deshmukh, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty

Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 220/2025 registered with Dhoki Police Station, Dist. Dharashiv, for the offences punishable under Sections 49, 61(2), 103(1), 106(1), 125(a), 125(b), 281, 3(5) of the Bharatiya Nyaya Sanhita, 2023 , on the following conditions :-

- (a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The Applicants 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 Applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.
- (d) In case of breach of any of the conditions by the Applicants, it is open for the prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)