



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2504 OF 2025

ROHIT ALIAS BUNTY TUKARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Balraj Prakash Pande
APP for Respondents-State : Mr. G. O. Wattamwar

CORAM : SACHIN S. DESHMUKH, J.

Date : 4th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 25.05.2025 bearing Crime No. 88 of 2025 registered with Erandol Police Station, Dist. Jalgaon for the offences punishable under Sections 61(2), 103(1), 109, 189(1), 189(2), 191(2), 190, 118(1), 115(2), 352, 351(2), 125 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 25.05.2025, a violent confrontation erupted following a dispute over the parking of a motorcycle in an open space in front of the residence of Tukaram Appa Patil. The incident commenced at approximately 08:30 a.m. when the deceased, Amol, the brother of informant Sachin Kailas Patil, returned from duty and parked his vehicle,

prompting Tukaram Appa Patil to engage in verbal abuse and shouting. Shortly thereafter, Sanjay Prakash Patil and Deepali approached the informant's house while the applicant, Rohit, and co-accused Ashish emerged armed with wooden logs. The assailants issued death threats and initiated a physical assault on Amol, striking him across his legs, back, and waist with the wooden logs, while Tukaram Patil joined the attack using slaps and fist blows.

3. It is further alleged that when the informant, his brother Jayesh, and their cousin Sanjay attempted to intervene and rescue Amol, the aggression intensified as Ashish struck the informant on his right hand and Rohit assaulted Sanjay on his back with a wooden log. During this struggle, Dipak also known as Golu, arrived and restrained Jayesh, subjecting him to fist blows and elbow strikes to his back and stomach. As Amol attempted to retreat by stepping up the stairs, Ashish caught hold of his leg, hoisted him up, and forcibly dropped him onto the concrete road. This deliberate action caused Amol to sustain a critical bleeding head injury, which ultimately proved fatal despite subsequent medical treatment at the hospital.

4. It is further alleged that throughout the duration of the

assault, Ushabai was present at the scene, where she actively participated by pelting stones toward the informant's house and shouting abuses. The prosecution contends that the accused persons, leveraged a prior quarrel regarding the use of the open space to enter into a criminal conspiracy. By forming an unlawful assembly, the group launched a coordinated attack on the informant and his family members, resulting in the intentional murder of Amol and the infliction of injuries upon the informant and several witnesses.

5. The learned counsel for the applicant submits that the applicant Rohit has been falsely implicated in the present crime and that the allegations levelled against him do not warrant his continued incarceration. The role assigned to applicant is limited to an alleged assault with a wooden log on the non-vital parts of witness Sanjay, which indicates that his involvement, even if taken at face value, does not demonstrate an intention to commit murder. Moreover, the investigation is complete and the charge-sheet has been filed. Nothing remains to be recovered at the instance of applicant. As such, further incarceration of the applicant is unjustified. Hence, the counsel prayed to allow the application.

6. Per contra, the learned APP opposed the application

submitting that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicant. It is contended that if the applicant is enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

7. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is prima facie evident that while the prosecution alleges that the applicant was part of an unlawful assembly, the ocular evidence indicates that the fatal injury, which resulted in the death of Amol, was caused by the co-accused Ashish, who is alleged to have dropped the deceased on the concrete road. The overt act attributed to applicant Rohit involves an assault on a witness with a wooden log on non-vital parts, which raises an issue as to whether applicant shared a common object to commit murder, which weighted to be a subject matter of trial.

8. Furthermore, the record prima faice indicates that the altercation was not premeditated but arose spontaneously from a trivial dispute over parking a motorcycle in an open space. The absence of prior enmity or a deep-rooted criminal conspiracy lessens the immediate necessity for the applicant's continued

detention.

9. The investigation is complete for all intent and purposes. Resultantly, the charge-sheet 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.

10. 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 favor of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

11. Hence, the following order :-

ORDER

- (I) The Bail Application is **allowed**.
- (II) Applicant – Rohit @ Bunty Tukaram Patil be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 88 of 2025 registered with Erandol Police Station, Dist. Jalgaon for the offences punishable

under Sections 61(2), 103(1), 109, 189(1), 189(2), 191(2), 190, 118(1), 115(2), 352, 351(2), 125 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Cards to the Investigation Officer and detailed address and phone numbers of applicant and two of the near relatives.
 - (d) 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 states 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, J.)