



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

BAIL APPLICATION NO. 2556 OF 2025

SANTOSH BHAIRAVNATH PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent : Mr. P. P. Dawalkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-01-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.1213 of 2024 dated 04.11.2024 registered with Tofkhana Police Station, Taluka and District Ahmednagar, for the offences punishable under Sections 118(1), 115(2), 324(4), 189(2), 190, 352, 351(2), 351(3), 191(2) and 191(3), 103(1), 103(2) and 118(2) of the *Bharatiya Nyaya Sanhita, 2023* and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951. In the said crime, the applicant was arrested on 17.11.2024. After completion of the investigation, the chargesheet has been filed.

2. The case of the prosecution is that on 02.11.2024 around 8 PM, the informant was sitting in a temple near Chowk in Kothla. Accused Nos. 1 to 3 arrived on their motorcycle and asked the informant to accompany them to collect money from the co-

accused. The informant agreed and went with them on the motorcycle. While traveling, accused No. 1 suddenly stopped near a Bamboo Shop on Sambhajinagar Road. It is further alleged that the present applicant and accused No.5 arrived at the scene, and the applicant began abusing the informant and assaulted him with kicks and fist blows. Upon questioning, the applicant allegedly replied, "Why do you provide information to Local Crime Branch of sale of the swords", and continued the assault. Accused No. 4 is alleged to have struck both of the informant's ears; accused No. 5 assaulted the informant's legs; accused No.3 struck the informant's head with a stone; and applicant assaulted the informant's back and hand with a belt. All accused persons are alleged to have assaulted the informant with kicks and fist blows.

3. The learned counsel for the applicant, Mr. Karpe, submits the only specific role attributed to the present applicant in the F.I.R. is that of assaulting the informant with a belt over his back and hand. Those are sweeping in nature. Since accused No.4 is enlarged on bail, the present applicant deserves to be admitted to bail even on the ground of parity.

4. Furthermore, Mr. Karpe, learned counsel argues that the victim may have succumbed not to the injuries, but to an infection as reported in the post-mortem report. The applicant is ready to abide by any conditions imposed by the Court and be released on

bail.

5. The learned APP, has opposed the application submitting that the offense is serious in nature and punishable with death or life imprisonment. The applicant with co-accused have inflicted serious injuries on the victim's person. The statements of witnesses Nanda Pawar and Asad Shaikh corroborate the allegations made in the F.I.R. regarding the applicant's presence with the deceased. Therefore, the APP submits that the prosecution has collected sufficient evidence to establish the guilt of the present applicant in the said crime.

6. Having heard the submissions from both sides and upon perusal of the record, including the charge sheet produced during the course of the hearing, a perusal of the post-mortem report indicates that the cause of death was attributed to an infection of the blood caused by poisonous bacteria.

7. A perusal of the F.I.R. would also show that the injuries caused to the victim's head can be attributed to accused No.1. Thus, *prima facie* the allegation of assault on the victim's vital parts can be attributed to accused No.1 and not to the present applicant, whose only alleged role was to hit the victim with a belt.

8. Pertinently, the co-accused No. 4 has already been released on bail by this Court in Bail Application No. 1601 of 2025. The role

of the present applicant is in a similar or lesser position regarding the gravity of the allegations, his continued incarceration since his arrest on 17.11.2024 would be unjustified and discriminatory.

9. Nevertheless, the investigation is complete for all intent and purposes, and the charge sheet has been filed. Therefore, the applicant is no longer required for custodial interrogation. Hence, no useful purpose would be served by keeping him in further custody pending the trial.

10. Hence, the order;

ORDER

- (i) Bail Applications is allowed.
- (ii) The Applicant, Santosh Bhairavnath Pawar, be released on regular bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with Crime No.1213/2024 registered with Tofkhana Police Station, District Ahmednagar for the offences punishable under Sections 118(1), 115(2), 324(4), 189(2), 190, 352, 351(2), 351(3), 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023 and Section 37(1), 37(3) and 135 of Maharashtra Police Act, 1951 and subsequently added sections 103(1), 103(2) and 118(2) of Bharatiya Nyaya Sanhita, 2023, on the following conditions :

- (a) The applicant is directed to attend the concerned

police station and report to the concerned Police Station Tofkhana, Ahilyanagar twice in a week on every Wednesday and Thursday between 12.00 p.m. to 02.00 p.m. till framing of charge.

- (b) The applicant shall not enter the jurisdiction of concerned police station except for attendance till framing of charge.
 - (c) The applicant shall attend each and every date of the Trial Court without fail unless exempted by the Trial Court on emergent consideration.
 - (d) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (e) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (f) 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