



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

963 BAIL APPLICATION NO. 2530 OF 2025 WITH
CRIMINAL APPLICATION NO. 160 OF 2026
IN BA/2530/2025

1. Dipak Sitaram Shinde
2. Sudhir s/o Tukaram PathareApplicants

VERSUS

The State of MaharashtraRespondent

Mr. Shaikh Sohail Subhedar, Advocate for Applicant.
Mrs. P. P. Diggikar, APP for the State.
Mr. S. E. Shekade, Advocate for the informant.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. At the outset, learned Counsel Mr. Shekade seeks permission to assist the learned APP.
2. Permission granted. Criminal Application No. 160/2026 stands allowed.
3. Applicants seek regular bail in connection with Crime No. 694/2023 registered with Belwandi Police Station, Dist. Ahilyanagar,

for the offences punishable under Sections 143, 147, 148, 149, 307, 325, 336, 323, 504, 506 of the Indian Penal Code.

4. Prosecution case is that on 28.12.2023 at about 11.00 am, informant and his friend had been to a hotel for breakfast. At that time, present Applicants alongwith the co-accused came there and abused the informant in filthy language. When informant was trying to leave the hotel, co-accused caught hold him and Applicant Deepak assaulted on the forehead of the informant with a sword. Co-accused assaulted the informant with a a spade and stone. Applicant No. 2 assaulted the informant with the help of sickle. On the basis of these allegations, offence came to be registered.

3. Learned counsel for the Applicants submits that present First Information Report is the outcome of earlier complaint bearing First Information Report No. 693/2023. Co-accused are enlarged on bail by this Court as well as the learned Sessions Court. It is further submitted that there is delay of two days in lodging First Information Report. Nothing incriminating is brought on record by the prosecution. It is further submitted that nothing is to be recovered

from the Applicants. Hence, further incarceration of the Applicants is not warranted.

4. Per contra, learned APP and learned Counsel for the informant vehemently opposed the application. It is submitted that the Applicants are indulged in serious crime of attempt to commit murder. First Information Report attributes specific role against the present Applicants. Hence, prayed to reject the application.

5. Considering the submissions of both sides, and on perusal of the record, including charge-sheet, it is prima facie evident that there is enmity between the Applicants and the informant. So also the documents relied by the Applicant indicates that there was prior enmity between the parties. However, the present Applicant Dipak has been acquitted in those proceedings. Thus, the possibility of false implication cannot be ruled out.

6. Moreover, the injury certificate produced on record is that of a private hospital which indicates neither the specific details of the injuries nor the timing of those injuries. Furthermore, the co-accused namely Aditya is enlarged on bail by this Court. Likewise the other

accused Tushar and Nilesh are also released on bail. Nothing is to be recovered from the present Applicants.

7. Nevertheless, the investigation is complete for all intent. Chare-sheet is filed. Since the co-accused is already enlarged on bail by this Court, further incarceration of the present Applicants is unjustified. Hence, I am inclined to exercise discretion in favour of the Applicants by imposing stringent conditions.

8. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicants Dipak Sitaram Shinde and Sudhir s/o Tukaram Pathare, 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. Crime No. 694/2023 registered with Belwandi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 143, 147, 148, 149, 307, 325, 336, 323, 504, 506 of the Indian Penal Code., 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.)