



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 200 OF 2026

CHAITANYA MANOHAR SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. Prashant P. Giri a/w Mr. Yogesh G. Kasod
APP for Respondents-State : Mr. G. O. Wattamwar

WITH
CRIMINAL APPLICATION NO. 488 OF 2026
IN BA/119/2026

KULDIP DILIP MAGAR
VERSUS
SHUBHAM SURYAJI SATHE AND ANOTHER

Advocate for Applicant : Mr. Sushant B. Choudhari (Assit to PP)

WITH
CRIMINAL APPLICATION NO. 550 OF 2026
IN BA/200/2026

KULDIP DILIP MAGAR
VERSUS
CHAITANYA MANOHAR SHINDE AND OTHERS

Advocate for Applicant : Mr. Sushant B. Choudhari (Assit to PP)

WITH

BAIL APPLICATION NO. 119 OF 2026

SHUBHAM SURYAJI SATHE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Prashant P. Giri a/w Mr. Yogesh G. Kasod

APP for Respondents-State : Mr. G. O. Wattamwar

CORAM : SACHIN S. DESHMUKH, J.

Date : 18th February, 2026

ORDER :-

BAIL APPLICATION NO. 200 OF 2026

1. After hearing the learned counsel for applicants at length, when this Court was not inclined to grant relief, the learned counsel for applicants, on instructions, seeks withdrawal of the application.

2. Accordingly, the bail application stands dismissed as **withdrawn.**

BAIL APPLICATION NO. 119 OF 2026

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 17.12.2025 bearing Crime No. 509 of 2025 registered with Tuljapur Police Station, Dist.

Dharashiv for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023, Section 3 and 4 of the Arms Act, 1959 and Section 37(1) and 37(3) of the Maharashtra Police Act, 1951.

2. The prosecution case is that the on 16.12.2025, the informant was proceeding to home from his farm in Sindphal via Lohiya on Latur Road. Upon reaching Vithai Hospital, Suraj Nannu Sathe and Chetan Shinde approached on two motorcycles and opened fire with the intent to kill him. Simultaneously, ambushing group consisting of Sagar Kishore Gangane, Shubham Sathe (applicant), Shekhar Kiran Gangane, Nandu Gangane, Balaji Gangane, Atul Dalvi, and Intar surrounded him and launched an assault using sharp weapons, knives, and sickles.

3. It is further alleged that on the same day, during the struggle, Shekhar Gangane, Sagar Gangane, Suraj Sathe and Chetan Shinde inflicted severe injuries to the informant's head, back and neck with a sickle. The assailants declared that the motive for the attack was the informant's political campaigning against Vinod Pitu Gangane, shouting that they would not let him live while continuing to stab him. During this violence, the accused forcibly snatched a gold chain from his neck and attempted to

abduct him to kill him in the presence of Vinod Pitu Gangane.

4. It is further alleged that on 16.12.2025, the timely arrival of the vehicles of DySP and Police Inspector caused the associates of Vinod Pitu Gangane to flee the scene. The informant managed to apprehend Shubham Sathe (applicant) and Sagar Gangane during the scuffle and handed them over to the police officers. Immediately thereafter, Nilesh Magar and Dhiraj Patil arrived to assist and transported the informant to the Government Hospital in Tuljapur, where he remained unconscious due to excessive blood loss.

5. The learned counsel for the applicant submits that it is a case of over implication. The applicant was allegedly apprehended at the spot, yet the FIR lacks specific overt acts of assault attributed to him only placing him in a crowd of nine individuals. The learned counsel further submits that the other accused persons are alleged to have used firearms and sickles, the role assigned to the applicant is lacks the requisite ingredients of an attempt to murder under Section 109 of the BNS. The investigation is on the verge of completion. 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 and the learned counsel for original informant have opposed the applicant submitting that on the date of incident, the applicant was not a mere bystander but an active member of an unlawful assembly that lay in ambush with lethal weapons. The common intention is established by the presence of applicant at the scene as part of a coordinated group that used firearms and sickles to cause life-threatening injuries to the informant's head and neck. It is further submitted 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. Upon considering the submissions of contesting sides and having perused the material on record, including the charge-sheet, it is prima facie evident that the prosecution case identifies accused Shekhar Gangane, Sagar Gangane, Suraj Sathe and Chetan Shinde as the primary assailants, inflicted the severe

injuries to the informant. The applicant Shubham is named as part of a larger group that "surrounded" the informant. In cases of unlawful assembly (Section 149 IPC), the Courts distinguish between active participation and passive presence. Since the specific overt acts of stabbing and shooting are attributed to co-accused and not the applicant, his role prima facie appears peripheral rather than principal.

8. Moreover, the absence of a dangerous weapon or a specific injury caused by the applicant is a critical factor favouring bail. When the record indicates an accused did not cause the injuries sustained by the victim, the prima facie case for continued detention is weakened. The record prima facie indicates that the applicant did not abscond from the scene despite the arrival of Police Officers, which would have prompted a guilty person to flee. The applicant's presence at the scene, while being handed over by the victim, suggests he is available for investigation and is not a flight risk.

9. Nevertheless, the investigation is almost complete. The arrest of the applicant is effected on 16.12.2025 and since then, the applicant is in jail. As such, further detention of the applicant

as an under trial prisoner, in the circumstances of the case does not seem to be justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant. The apprehension expressed by the learned APP and the learned counsel for informant about tampering with the prosecution evidence, can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order :-

ORDER

- (I) Bail Application No. 200 of 2026 is dismissed as **withdrawn**.
- (II) Bail Application No. 119 of 2026 is **allowed**.
- (III) Applicant – Shubham Suryaji Sathe 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. 509 of 2025 registered with Tuljapur Police Station, Dist. Dharashiv for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023, Section 3 and 4 of the Arms Act, 1959 and Section 37(1) and 37(3) of the Maharashtra Police Act, 1951, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (a) The applicant shall attend the concerned Police Station on every Monday from 11.00 am to 2.00 pm till filing of the charge-sheet.

- (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 addresses and phone numbers of applicant and two of the near relatives.
- (IV) 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.
- (V) Resultantly, pending criminal applications also stand disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi