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

BAIL APPLICATION NO.428 OF 2026

Avinash Shankarrao Maske ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

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Mr. Satej S. Jadhav, Advocate for applicant
Mrs. V.S. Choudhari, A.P.P. for respondent – State, assisted by
Mr. Ravindra B. Dhillpe, Advocate h/f. Mr. V. A. Bagdiya, Advocate
for complainant

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WITH

**CRIMINAL APPLICATION NO.1252 OF 2026 IN
BAIL APPLICATION NO.428 OF 2026**

Abhishek Balasaheb Maske ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....

Mr. Ravindra B. Dhillpe, Advocate h/f. Mr. V. A. Bagdiya, Advocate
for applicant
Mrs. V.S. Choudhari, A.P.P. for respondent No.1 – State
Mr. Satej S. Jadhav, Advocate for respondent No.2

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 8th JUNE, 2026

PER COURT :

1. Criminal Application No.1252/2026 is allowed. The original complainant is permitted to assist learned A.P.P.
2. Applicant seeks release on regular bail, in connection with Crime No.606/2024, registered with Akhada Balapur Police Station, District Hingoli for the offences punishable under Sections 109, 103(1)(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3), 54, 118(1), 238(Kh.)(b) of the Bhartiya Nyaya Sanhita, 2023.
3. The learned counsel for the applicant submits that there is an inordinate and unexplained delay of three days in lodging the First Information Report (FIR). The alleged incident occurred under grave and sudden provocation. Given that the investigation is complete and the charge sheet has already been filed, the continuous incarceration of the applicant is no longer warranted. The applicant, therefore, prays for enlargement on bail.
4. Per contra, the learned A.P.P. for the State, along with the learned counsel for the complainant, vehemently opposed the bail application. It is submitted that the complicity of the applicant in the alleged offense is prima facie evident from the statements of the eye-witnesses and material witnesses recorded during the

investigation. Given the gravity of the offense and the nature of the evidence, the applicant is disentitled from being released on bail.

5. Having heard the learned counsel for both the sides and upon perusal of the the charge sheet, prima facie indicates that a sudden dispute appears to have erupted between the parties, leading to the alleged act under grave and sudden provocation, without any prior premeditation.

6. Furthermore, the record reveals that the police information letter dated 13.10.2024 by the concerned Medical Officer indicates that the deceased had suffered a fall due to which he sustained injuries to the head, leg and hands. As such, the subsequent improvement in the statement by the informant regarding the alleged offence gives rise to a plausible doubt regarding the alleged incident. As such, there is a possibility of false implication.

7. Nevertheless, the investigation is complete for all intent and purposes. Given the number of prosecution witnesses, the trial is unlikely to conclude within a reasonable period. As such, further incarceration of the applicant is neither justifiable nor warranted.

Therefore, I am inclined to exercise discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant, Avinash Shankarrao Maske, be released on bail in the above Crime on his furnishing P.R. bond in the sum of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount, in the above crime for the aforesaid offences, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any manner.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (c) In the event of breach of the condition, the concerned Court shall consider the application of the prosecution for cancellation of bail notwithstanding the fact that this Court has passed this order of granting bail to the applicant.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-