



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

BAIL APPLICATION NO. 692 OF 2026

Tushar Vishnu Sawant
Age : 34 years, Occu : Agri.,
R/o. Saraswati Niwas Raigadnagar
Parbhani, Tq. Parbhani,
Dist. Parbhani .. Applicant

Versus

The State of Maharashtra
Through Investigating Officer,
Nanalpeth Police Station,
Tq. Parbhani, Dist. Parbhani .. Respondent

AND

CRIMINAL APPLN. NO. 1439 OF 2026 IN BA/692/2026

(Varsha W/o Shridhar Giram Vs.
Tushar S/o Vishnu Sawant and another)

Shri V. D. Sapkal, Senior Advocate i/by Shri S. R. Sapkal,
Advocate for the Applicant. (692/2026)
Shri S. V. Hange, A.P.P. for the Respondent – State.
Shri V. A. Chavan, Advocate for the Informant.

CORAM : SHAILESH P. BRAHME, J.

DATE : 29TH APRIL, 2026.

ORDER :

It is pointed out by Mr. Tungar, learned counsel that his appearance is wrongly shown by the office. The mistake needs to be rectified. Appearance of Mr. Tungar is discharged.

2. Criminal Application No. 1439 of 2026, seeking to assist the PP, is allowed.

3. Applicant is seeking enlargement on bail in connection with Crime No.242 of 2025 registered at Nanalpeth Police Station, Dist. Parbhani for the offences punishable under section 351(3), 351(2), 249, 61(2), 3(5), 103(1) of the Bharatiya Nyaya Sanhita, 2024.

4. He is arrested on 12.05.2025 and chargesheet is filed on 06.08.2025.

5. It is reported by sister of the deceased Vishal that her brother was to marry Sakshi . Co-accused Vicky Pashte had sent a message to Sakshi, which she forwarded to deceased Vishal and there was dispute between them. Vicky Pashte and others including the applicant were threatening family members of the deceased and there was apprehension of danger to his life.

6. The informant received a call on 09.05.2025 that her brother was assaulted and he succumbed to the injuries. It was related by Vilas Kadam who was in the company of the deceased that at about 09.30 pm, 4 unidentified persons whose faces were covered, had encounter with Vishal and he was being assaulted by knife on his thigh and by hammer. Vilas attempted to rescue but he was also assaulted.

7. Learned senior counsel Mr. Sapkal submits that applicant and the co-accused have not been identified. There is no direct

evidence against them. The statement of Vilas Kadam and Mahesh Jogdand are unreliable. The CCTV footage does not disclose presence of the applicant. There is doubt as to whether Shubham was the fourth person or Vaibhav. No motive can be attributed to the applicant. The antecedents of two offences would not be an impediment.

8. Per contra, learned APP submits that Vilas Kadam and Mahesh Jogdand eye witnesses would disclose participation of applicant in the assault. The CCTV footages corroborate the prosecution theory. There was motive for the assailants to eliminate Vishal. The audio recording of the call between the co-accused would indicate conspiracy. The applicant has been recognized by Mahesh Jogdand. The bail application of the co-accused was withdrawn before High Court.

9. Informant is not the eye witness. She was narrated the incident by eye witness Vilas Kadam, It is stated by him that four persons arrived on two motorcycles and their faces were masked. One of them had inflicted blow by knife and another person assaulted by hammer. The witness was also threatened and assaulted. The witness is unable to identify the persons.

10. Two CCTV footage *panchanamas* dated 17.05.2025 would disclose persons on the motorcycles were masked. The witness Mahesh Jogdand identified the applicant as a pillion rider. That part of the evidence and its probative value can be dealt with

during the course of the trial. The identification of the applicant is doubtful.

11. Reliance is placed on the statement of Mahesh who was knowing the assailants and the deceased. He was knowing the quarrel between deceased Vishal and Vicky Pashte and the threats extended to him. Even he is reported to have informed the Police regarding threats given by accused. On the fateful night, he was following the assailants. He was witness to the assault. The presence of another witness Vilas was marked by him. Mahesh could have disclosed identity of the assailants, including that of the applicant to Vilas who did not identify the assailant. Presence of Mahesh and his statement is not free from doubt. It needs to be decided during the course of the trial.

12. The audio-call recording amongst the assailants and the deceased, would indicate the rivalry but no incriminating material is indicated against the applicant. It is difficult to fathom at this juncture that there was a conspiracy amongst applicant and others to eliminate Vishal.

13. The mobile of applicant was found to be switched off on the fateful night. The communication between the applicant and other accused needs to be established which is subject matter of trial. I find that no motive directly can be attributed to the applicant. The criminal antecedent of the applicant can be taken care of by imposing conditions.

14. I am inclined to grant relief to the applicant. Hence, I pass the following order :-

O R D E R

- A. The Bail Application is allowed.
- B. Applicant – Tushar Vishnu Sawant shall be released on bail in respect of Cr. No.242 of 2025 registered at Nanalpeth Police Station, Dist. Parbhani for the offences punishable under section 351(3), 351(2), 249, 61(2), 3(5), 103(1) of the Bharatiya Nyaya Sanhita, 2023, on condition of furnishing P. R. bond and S. B. of Rs. 1,00,000/- (Rs. One Lakh only) with one or two solvent sureties of like amount.
- C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- D. The applicant shall cooperate in expeditious disposal of trial.
- E. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.
- F. The applicant shall not enter village Arvi and entire Parbhani taluka till conclusion of the trial, save and except attending the dates of trial.

G. The applicant shall drop his google pin location from his mobile phone to the investigating officer so as to show his whereabouts every day.

H. Bail application is disposed of.

I. Needless to mention observations made in the minutes of the order are *prima facie* in nature.

[SHAILESH P. BRAHME J.]

arp/-