



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 27 OF 2026

BHARAT SHIVAJI KADAM
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Kakasaheb J. Tandale
APP for Respondents-State : Mr. A. R. Kale

CORAM : SACHIN S. DESHMUKH, J.
Date : 16th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 20.04.2025 bearing Crime No. 193 of 2025 registered with Vaijapur Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 61(a),(b), 62, 310(4), 326(g), 305, 331(4), 324(5), of the *Bharatiya Nyaya Sanhita*, 2023 alongwith Sections 3, 4 and 7 of the Prevention of Damage to Public Property Act.

2. The case of the prosecution is that the Informant, serves as the Manager of the Maharashtra Gramin Bank, Branch Vaijapur, lodged the report on 20.04.2025 approximately at 03:24 a.m. This action followed a telephonic notification received from Bhagyashri Rathod, who alerted the informant to a fire that had

broken out within the bank premises. Upon receiving this urgent communication, the informant proceeded immediately to the location accompanied by Amit Vaidya to assess the situation. Upon their arrival at the scene, it was observed that the fire had caused extensive damage to critical bank records and assets, including ATM cards, cheque books, D.D. books, and various loan files. The total financial loss sustained by the bank as a result of this destruction was estimated to be approximately Rs. 15 lakhs.

3. Further inquiries conducted at the site revealed that four unidentified individuals had intentionally set the bank on fire with the specific motive of committing theft. The conflagration was eventually brought under control and extinguished by the Fire Brigade, preventing further spread of the damage. Following these events, the First Information Report was registered. Upon the subsequent conclusion of investigation, the police authorities filed a charge-sheet against the accused persons.

4. The learned counsel for the applicant submits that the applicant is falsely implicated in the present crime based on mere suspicion and without any direct evidence connecting to the incident. The FIR itself states that the perpetrators were unknown persons. The learned counsel also submits that a co-accused

persons in this crime have already been enlarged on bail; therefore, on the grounds of parity, it is prayed that the application be allowed.

5. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it prima facie indicates that the incident involving the fire at the Maharashtra Gramin Bank on 20.04.2025 was reportedly carried out by four unknown persons. Admittedly, the applicant Bharat was not named in the initial report and the prosecution case against the applicant appears to be based primarily on suspicion and statements recorded after a significant delay.

7. Furthermore, the co-accused, Akshay Karale has been enlarged on bail by this Court vide order dated 23.09.2025 in Bail application no. 1546 of 2025. Moreover, the co-accused vaibhav

Kere has also been enlarged on bail by this Court vide order dated 22.12.2025 in Bail Application No. 1939 of 2025. Since the applicant is placed on similar footing as the co-accused, is also entitled for bail on the ground of parity.

8. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

9. As such, further incarceration of the applicant as an under trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence and possibility of repetition of crime, can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order:

ORDER

(I) Application is **allowed**.

- (II) Applicant - Bharat Shivaji Kadam 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 Crime No. 193 of 2025 registered with Vaijapur Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 61(a),(b), 62, 310(4), 326(g), 305, 331(4), 324(5), of the *Bharatiya Nyaya Sanhita*, 2023 alongwith Sections 3, 4 and 7 of the Prevention of Damage to Public Property Act, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (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 Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicant would entail the cancellation of the bail.
- (iii) 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.

(SACHIN S. DESHMUKH, J.)