



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO. 31 OF 2026

Omkar Alias Sonya Murlidhar MoreApplicant

VERSUS

The State of MaharashtraRespondent

Mr. S. S. Gangakhedkar, Advocate for Applicant.
Mr. G. O. Wattamwar, APP for the State.

WITH
BAIL APPLICATION NO. 37 OF 2026

Vishal Vishnu More Applicant

VERSUS

The State of MaharashtraRespondent

Mr. S. R. Zambare, Advocate for Applicant.
Mr. G. O. Wattamwar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 13th FEBRUARY, 2026.

PER COURT :

1. Applicants in both the applications seek regular bail in connection with Crime No. 450/2025 registered with Nanded Rural Police Station, Dist. Nanded, for the offences punishable under Sections 103, 103(1), 109, 352, 351(2), 351(3), 189(2), 191(2), 191(3),

190, 61(2) of Bharatiya Nyaya Sanhita and Sections, 3/25, 4/25 and 7 of Arms Act.

2. The case of prosecution is that on 11.05.2025 at about 9.45 am, co-accused Ashu Patil called the informant and asked to come near his house for settling the dispute between him and uncle of the informant. He was accompanied by one person named More on the spot. When informant reached the spot, co-accused Ashu Patil abused, threatened and fired on the informant inflicting injuries on arm and chest as a result of which, informant fell down. When one Shaikh Parvez, who witnessed the incident, was trying to escape, he was chased and Ashu Patil fired on him. When informant was trying to run away from the spot, Ashu Patil called three persons from behind the bushes. Two of them were having swords. Thereafter informant ran away from the spot and called his brother, who admitted the informant to the hospital. During the treatment, Shaikh Parvez succumbed to the injuries. On the basis of these allegations, First Information Report came to be registered.

3. Learned Counsel for the Applicants submit that the Applicants are falsely implicated in the offence. Names of the Applicants are not

mentioned in the First Information Report. Applicants are arraigned as accused on the basis of supplementary statement of the informant, which is recorded after one month of the alleged incident. Further, no Test Identification Parade is conducted by the investigating agency to prove identity of the Applicants. It is further submitted that no specific role is ascribed against the present Applicants. Applicant Omkar @ Sonya has no criminal antecedents. Further, no incriminating material is recovered from the Applicants. Applicants are behind the bars for more than a year. Hence, prayed to allow the applications.

4. Per contra, learned APP vehemently opposed the application submitting that the Applicants are involved in serious crime. One Shaikh Parvez has lost life in the said incident. It is further submitted that the cause of death indicated in the Post Mortem report corresponds to the allegations in the First Information Report. Statements of Kiran and Parmeshwar disclose names of the Applicants indicating their complicity in the offence. An apprehension is also expressed that if the Applicants are enlarged on bail, there is every possibility of tampering prosecution evidence. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is evident that the names of the present Applicants are not disclosed in the First Information Report. The Applicants were arraigned as accused on the basis of supplementary statement of the informant recorded at belated stage. The investigating authority has not conducted Test Identification parade during investigation. The supplementary statement of the informant came to be recorded after more than a month from the date of the incident.

6. Nevertheless, investigation in the crime is complete for all intent and purpose. Resultantly, charge-sheet is filed. The Applicants are behind the bars for more than a year. In the event of non-disclosure of names of the present Applicants in the First Information Report and failure on the part of the investigating agency to conduct Test Identification Parade for want of identification of the Applicants coupled with the fact of absence of specific role against the present Applicants, it is prima facie evident that this is a case of over-implication. I am, therefore, inclined to exercise discretion in favour of both the Applicants.

7. Hence, the following order :-

ORDER

- (i) Applications are allowed.
- (ii) Applicants Omkar Alias Sonya Murlidhar More and Vishal Vishnu More, 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. 450/2025 registered with Nanded Rural Police Station, Dist. Nanded, for the offences punishable under Sections 103, 103(1), 109, 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190, 61(2) of Bharatiya Nyaya Sanhita and Sections, 3/25, 4/25 and 7 of Arms Act., 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 concerned 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.)

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