



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

BAIL APPLICATION NO. 70 OF 2026

VISHAL DAMODHAR CHANDNE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Mahesh L. Muthal
APP for Respondents: Mr. G. O. Wattamwar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0435 of 2025 dated 15.11.2025 registered with Pachod Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under sections 309(4), 304 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023*.

2. The prosecution case is that the informant, a retired Branch Manager re-employed as a temporary Clerk at the Aurangabad District Central Co-operative Bank, was transporting Rs. 25 Lakh in cash on his scooty on 15.11.2025. He was intercepted by two unidentified individuals on a black motorcycle near the Davarwadi area who snatched the cash bag after causing him to fall. Hence, the report is lodged.

3. The learned counsel for the applicant submitted that the applicant has been falsely implicated. The first information report refers to unknown persons, and the applicant maintains he is unconnected to the crime or the motorcycle used. Out of four arrested individuals, two have already been granted bail, and the applicant seeks parity. Furthermore, the counsel highlighted that the Test Identification Parade was conducted after a significant delay, long after his arrest on 16.11.2025. This delay, coupled with the fact that other co-accused were released without a Test Identification Parade (TIP), raises serious doubts regarding the fairness and credibility of the identification process. The investigation is complete, the cash has been recovered, and no purpose would be served by further incarceration.

4. The learned A.P.P. strongly opposed the application, submitting that the seriousness of the offence and distinguishing the applicant's role from the released co-accused. The A.P.P. further submitted that the co-accused confessions indicated the applicant was the main perpetrator who threatened the informant and snatched the bag. Hence, dis-entitling the applicant to parity.

5. Having heard the learned counsel for both the sides and perusing the material on record, including the charge-sheet, the full amount of stolen cash has been recovered. The issue of the delayed test identification parade is significant, as a prolonged

delay substantially weakens its evidentiary value, which is a matter for trial. The submission for parity holds weight since similarly situated co-accused are enlarged on bail, and the primary distinction submission by the Prosecution rests on potentially weak testimonial evidence at this pre-trial stage.

6. In view of the aforesaid circumstances coupled with the fact that recovery of the stolen cash, the delay in conducting a fair Test Identification Parade, and the principle of parity with co-accused, this Court finds that further incarceration of the applicant is rather unjustified.

7. Nevertheless, the investigation is complete for all intent and purposes. Considering the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial would be concluded within a reasonable period. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be warranted. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Vishal Damodhar Chandne, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

Thousand), with one solvent surety of the like amount in Crime No.0435 of 2025 dated 15.11.2025 registered with Pachod Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under sections 309(4), 304 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023*, on the conditions that;

- (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state 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.]