



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 240 OF 2026

KISAN ALIAS VIJAY GAUTAM KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Pradip K. Palve h/f Mr. D. K. Dagadkhair

APP for Respondents-State : Ms. R. R. Tandale

WITH

BAIL APPLICATION NO. 101 OF 2026

TARACHAND VIRUPAN BHOSLE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. K. A. Ingle

APP for Respondents-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.

Date : 18th February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 06.03.2025 bearing Crime No. 130 of 2025 registered with Bidkin Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 310(2) and 311 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution that seven to eight

unknown persons carrying knives and other arms entered the house of informant. The said persons assaulted the informant and sustained grievous injuries and snatched her gold ornaments and stolen amount.

3. The learned counsel for the applicants submits that the FIR was lodged against unknown persons. Furthermore, no recovery has been made at the instance of the present applicants. It is further submitted that the applicants were arrested on 28.07.2025 and are in jail since then. The applicants are falsely implicated in the crime. The learned counsel further submits that the Test Identification Parade (TIP) is also not conducted. The investigation is complete and the charge-sheet has been filed; hence, the continued incarceration of the applicants is unjustified. Therefore, prayed that the application be allowed.

4. The learned APP opposed the application, submitting that the crime is serious in nature and that there is sufficient material on record to establish the complicity of the applicants. There are antecedents against the applicants. If the applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence and repetition of offence of similar nature. Accordingly, it was prayed that the application be rejected.

5. Admittedly, the FIR was lodged against unknown persons, and the applicant's name was only mentioned during the course of the investigation. Moreover, the alleged weapon and other articles connected to the crime have already been recovered by the investigating agency; as such, nothing further remains to be recovered at the instance of the present applicants. Furthermore, in the absence of Test Identification Parade (TIP), further incarceration of the applicants is unjustified.

6. While the prosecution highlights the applicants' criminal antecedents, it is a settled principle of law in the case of **Prabhakar Tewari Vs. State of U.P. and another [(2020) 11 SCC 648]** that mere existence of prior cases does not serve as a ground to deny bail, if the facts of the current case, fail to establish a prima facie necessity for continued incarceration.

7. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number of the 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. The

arrest of the applicants is effected on 28.07.2025 and since the, the applicants are in jail.

8. As such, further detention of the applicants 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 favor of the applicants. 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.

9. Hence, the following order :-

ORDER

- (I) Applications are **allowed**.
- (II) Applicants – **Kisan @ Vijay Gautam Kale** and **Tarachand Virupan Bhosle** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in Crime No. 130 of 2025 registered with Bidkin Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 310(2) and 311 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicants 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 applicants 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.)

Omkar Joshi