



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

BAIL APPLICATION NO. 104 OF 2026

Prashant @ Pashya Mahadev Barde,
Age : 33 Years, Occu. : Nil,
R/o Bembali, Tq. and Dist. Osmanabad. .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Rahul R. Karpe, Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent – State.

CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH MARCH, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking regular bail in furtherance of offence bearing Cr. No. 19/2017 registered with Parner Police Station, Tq. Parner, Dist. Ahilyanagar for the offences punishable U/Sec. 302, 120-B, 143, 147, 148, 149, 109, 212, 465, 468, 201 of the Indian Penal Code and Sec. 3/25, 4/25, 27 of the Arms Act and Sec. 3(1)(i), 3(1)(ii), 3(2) and 3(4) Maharashtra Control of Organized Crime Act.

2. Applicant is arrested on 28.01.2017. Charge sheet is filed in July 2017 against 27 accused persons out of them applicant is accused No. 13.

3. First information report is lodged by one Rangnath, uncle

of the deceased Sandeep. Deceased was sarpanch of the village and he had disputes with co-accused Pravin Ananda Rasal and his members of the gang. It is alleged that rival co-accused attempted to assault the deceased previously also. Complaints to that effect were made by the deceased. On the fateful day that is 21.01.2017, the deceased was assaulted by Rahul Ramdas Sabale, Nagesh @ Nitin Tulshiram Lokhande, Girish and unidentified persons by sword, dagger and pistol. A terror was created so that other persons would not dare to rescue him. It is alleged that applicant was one of the members of the perpetrators, who facilitated in committing crime by active participation. The deceased was shot on his head, stomach besides other injuries.

4. Learned counsel Mr. Rahul Karpe for the applicant submits that successive bail application needs to be entertained because there is no progress in the trial. It is submitted that no role is attributed in the first information report and main allegations are against co-accused. It is submitted that on the ground of parity in the wake of orders passed in the matters of Pravin Rasal, Sandip Lanke and Prakash Jedhe, applicant also deserves to be released on bail. It is further submitted that the transcription of CCTV footage does not support the prosecution case.

5. Learned Asstt. Public Prosecutor opposes the submissions on the ground that already the Coordinate Bench rejected

application of the applicant on 17.08.2023 by reasoned order. There is no change in the circumstances to again approach the Court for bail. It is submitted that accused committed offence by forming unlawful assembly. They were armed with the weapons. The incriminating material is collected to show motive and *mens rea*. The direct evidence in the form of eye witness Dnyaneshwar and CCTV footage is available to show active participation of the applicant.

6. First information report and the statements of the witnesses would indicate that deceased Sandip was a sarpanch and there was enmity between Pravin Ananda Rasal, main perpetrator with him. Attempts were made to attack the deceased previously also. There is strong motive coupled with *mens rea* to commit murder of the deceased.

7. I find that the incident in question is witnessed by Dnyaneshwar. Accused Raju Bhandare was having pistol, who fired at Sandeep. Then accused Vikas assaulted him by dagger. Accused Nagesh also fired from his pistol at him. Again Vikas and Rahul inflicted blow by dagger on already injured Sandeep. Applicant is stated to have pelted stone and bricks. His participation is active. It further reveals from the statement of Yogesh that the accused had conspired to eliminate Sandeep.

8. The panchanama and transcription of CCTV footage would indicate participation of the applicant. He is seen pelting stones

and bricks on the deceased. I have gone through the injuries from the postmortem report. Its case of brutal murder by deadlier weapons. The offences are serious in nature and Sec. 149 of the I. P. C. is also applied. Involvement of the applicant is evident. His earlier application was rejected on 17.08.2023 by the Coordinate Bench holding that it was a preplanned and well organized crime. The plea of parity was also dealt with in that order. No change of circumstances are pointed out.

9. The report was solicited from the Presiding Officer regarding status of trial in Special Case No. 569 of 2020. It is reported that accused persons one after another have been filing applications for discharge, which are required to be decided by the Judge. There are 27 accused. It is further reported that couple of the accused are not cooperating. I do not find that there is any undue delay in conducting the trial. No case is made out to grant bail. Bail application is rejected.

[SHAILESH P. BRAHME J.]

bsb/March 26