



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

85 BAIL APPLICATION NO. 153 OF 2026

Sham Ajinath Shinde

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. N. R. Thorat, Advocate for Applicant.

Mr. G. O. Wattamwar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th FEBRUARY, 2026.

PER COURT :

1. Applicant seeks regular bail in connection with Crime No. 154/2025 registered with Yusuf Wadgaon Police Station, dist. Beed, for the offence punishable under Section 309(6) of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution is that in the intervening night of 17.06.2025 and 18.06.2026, when the informant was sleeping inside the tin shed, heard commotion of her husband from outside. He was abused by someone. Meanwhile, one person kicked to the door and opened it. One person out of the three, snatched mobile phone and asked her about daughters. He also snatched gold ornaments and sustained grievous injury on her ear. They also threatened them. On

the basis of these allegations, First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the crime. First Information Report is lodged against unknown persons. No Test Identification parade is conducted. Further, the arrest of the Applicant came to be effected after about six months from the date of the alleged incident. Recovery of the stolen ornaments is already effected and nothing is to be recovered from the Applicant. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application submitting that the offence is serious in nature. Recovery of stolen articles is effected at the instance of the present Applicant which indicates his complicity in the alleged offence. It is further submitted that there are criminal antecedents against the Applicant. During interrogation, the Applicant has admitted commission of crime with co-accused. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of record, it is prima facie evident that the First Information Report is

lodged against unknown persons. Admittedly, the prosecution has not conducted Test Identification parade. Further, arrest of the Applicant is effected after six months of the complaint. Thus, in absence of test identification parade (TIP), indicating complicity of the Applicant in the alleged crime, I am inclined to exercise discretion in favour of the Applicant.

6. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Sham Ajinath Shinde, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 154/2025 registered with Yusuf Wadgaon Police Station, dist. Beed, for the offence punishable under Section 309(6) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The Applicant shall not pressurize the prosecution witnesses and 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 and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The Applicant 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 Applicant, it is open for the prosecution to move this 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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