



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

BAIL APPLICATION NO.162 OF 2026

Datta s/o Bhagwat Kute

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. K.R. Doke, Advocate for applicant
Mrs. P.V. Diggikar, A.P.P. for respondents
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.002/2026, registered with Bhoom Police Station, District Dharashiv for the offences punishable under Sections 3(5) and 303(2) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, the applicant along with co-accused committed theft of 18 bundles of stainless steel wire, totally valued at Rs.99,000/- from the Songiri Camp .

3. Learned counsel for the applicant submits that, the

applicant has been falsely implicated in the case. The applicant was arrested on 12/1/2026 and subsequently the recovery of the stolen property is also made. In that view of the matter, further incarceration of the applicant in custody would be unjustified. As such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that the complicity of the present applicant is evident since there are witnesses to the incident and the same is before filing of the Charge Sheet. As such, the application does not deserve consideration.

5. Having heard the learned counsel for both the sides and upon perusal of the record including charge sheet, indicates that, all the alleged articles are recovered at the instance of the co-accused. The present applicant is arraigned as accused only on the basis of statement of the witness namely Narayan Solanki, who had allegedly seen the applicant stealing the goods. However, the statement and its veracity can be tested during the trial and cannot be used as a sole basis to continue detention of the applicant, particularly when there are no criminal antecedents to his discredit.

6. Thus, I am inclined to exercise discretion in favour of

the applicant, however, by imposing stringent conditions.

7. Hence the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Datta s/o Bhagwat Kute 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 the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any manner.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
 - (c) The applicant shall attend the concerned Police Station every Saturday between 11.00 a.m. and 1.00 p.m. till filing of the charge sheet.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)