



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

BAIL APPLICATION NO.167 OF 2026

Nagesh s/o Virupan Bhosle

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. K.A. Ingle, Advocate for applicant
Mr. A.R. Kale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 24th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.227/2025, registered with Gangapur Police Station, District Chhatrapati Sambhajinagar (Rural) for the offences punishable under Section 310(2) of the Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicant submits that, the

crime was registered against unknown person and the applicant is arrested on suspicion after 21 days of registration of the crime. Moreover, no description of the unknown person is given. No test identification parade is conducted. The memorandum of panchanama has been prepared after 4 days of arrest of the applicant, therefore, the truthfulness of the alleged recovery of gold and silver ornaments at the instance of the applicant is a matter of trial. Further, the custody of the applicant has been taken from another offence. As such, prayed to allow the application.

3. Per contra, learned A.P.P. vehemently opposed the application, contending that, there is recovery made at the instance of the applicant. Also, if the applicant is released on bail, would indulge in similar offences or abscond. Hence, prayed to reject the application.

4. Having heard the learned counsel for both sides and upon perusal of the record including the charge sheet, it prima facie appears that, the F.I.R. was registered against unknown person and the applicant has been arraigned as accused only on the ground of suspicion by the police authorities. Furthermore, the investigation is complete and recovery of ornaments is already

effected. Also in absence of test identification parade, further incarceration of the applicant would be unjustified. Moreover, the applicant is only 20 years old and is in custody since 26/6/2025 i.e. for more than 7 months. Therefore, the continued pre-trial custody can affect the mind of the applicant. As such, I am inclined to exercise discretion in favour of the applicant.

5. Nevertheless, the investigation is complete for all intents and purpose. In that view of the matter, further custody of the applicant is not warranted.

6. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Nagesh Virupan Bhosle 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 way.
 - (b) The applicant shall remain present on each date,

unless exempted by the trial Court.

- (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.)

fmp/-