



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 48 OF 2026

MUDASSAR SADIK SAYYED
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondents-State : Mr. D. B. Bhange

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WITH
BAIL APPLICATION NO. 175 OF 2026

SOMNATH RAMESH KALOKHE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Prashant R. Nangare
APP for Respondents-State : Mr. D. B. Bhange

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CORAM : SACHIN S. DESHMUKH, J.

Date : 4th February, 2026

PER COURT :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 29.03.2025 bearing Crime No. 343 of 2025 registered with Pathardi Police Station, Dist. Ahilyangar for the offences punishable under Sections 109, 118(2), 119(1), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case originates from an initial verbal

altercation that occurred on 25.03.2025 approximately at 09:00 p.m. between the informant Sachin Dhas and the accused No. 2 Majju alias Muddasar (present applicant). This disagreement served as the primary motive for the subsequent coordinated assault. On the following evening, 26.03.2025, at 09:30 p.m., accused No. 2 contacted the informant via telephone to ascertain his location. Upon learning that the informant was near Hotel Shravan, accused No. 2 arrived at the scene on a motorcycle immediately. Under the guise of visiting specific locations, he induced the informant to accompany to a spot adjacent to the Gaichap Factory.

3. Upon arrival at the Factory, accused No. 2 was joined by accused No. 1 Prashant and accused No. 3 Somnath, who were already present at the site. Accused No. 2 explicitly incited his accomplices to assist him in seeking revenge for the previous day's dispute. Consequently, accused No. 1 and accused No. 3 initiated a violent assault, striking the informant across his back, legs, hands, and waist. The assailants forced the informant to be grounded and physically restrained his limbs to prevent escape. While the informant was pinned, accused No. 2 used a sickle-like weapon to strike him on the head and behind the ear while issuing death threats.

4. The violence escalated as the three accused individuals dragged the informant onto the road, where accused No. 2 delivered further blows to the informant's head with a bludgeon. During the course of this assault, two unidentified individuals arrived at the scene and forcibly dispossessed the informant of his mobile phone, a gold chain, a finger ring, and cash amounting to Rs. 44,000. The attack was only interrupted when a vehicle approached from the Pathardi direction, as the glaze from the vehicle's headlights prompted all the assailants to flee the area. Following the departure of the accused, the injured informant managed to reach the Gaichap Factory, where a watchman used a telephone to contact the informant's relatives. He was subsequently transported to various medical facilities for urgent treatment. While undergoing care at Saideep Hospital, the informant's formal statement was recorded by the authorities on 27.03.2025. This statement served for the registration of the present case against the accused persons.

5. The learned counsel for the applicants at union submits that the incident occurring on 26.03.2025, yet a critical examination of the facts indicates a narrative primarily built upon improvements and over-implication. The entire case of being lured on a motorcycle and the subsequent ambush is a concoction

intended to falsely implicate the applicants due to personal animosity. Moreover, the investigation is complete and the charge-sheet has been filed. Nothing remains to be recovered at the instance of applicants. As such, further incarceration of the applicants is unjustified. Hence, the counsel prayed to allow the application.

6. Per contra, the learned APP opposed the application submitting that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicants. It is contended that, if the applicants are enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

7. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, a prima facie there is the noticeable delay in the recording of the informant's statement on 27.03.2025. Such a gap in time, when coupled with the admitted prior "wordy quarrel" on 25.03.2025, necessitates a cautious approach at this stage, prima facie, as the possibility of an exaggerated narrative to settle personal scores cannot be entirely ruled out.

8. The Court further certain inherent inconsistencies in the prosecution's version regarding the simultaneous arrival of two unknown persons who allegedly robbed the informant during the assault. The introduction of these unidentified individuals to explain the loss of valuables and a significant cash amount of Rs. 44,000 appears, *prima facie*, to be an improvement that lacks corroborative support at this preliminary stage.

9. The applicants have been in custody for a sufficient duration, and the trial is unlikely to conclude in the near future. Given that the liberty of the individual is a fundamental right and that the applicants have permanent roots in the community, this Court finds that the continued detention of Muddasar and Somnath is not warranted.

10. 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.

11. As such, further detention of the applicant 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 applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

12. Hence, the following order :-

ORDER

- (I) The Bail Applications are **allowed**.
- (II) Applicants – **Mudassar Sadik Sayyed** and **Somnath Ramesh Kalokhe** 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 connection with Crime No. 343 of 2025 registered with Pathardi Police Station, Dist. Ahilyangar for the offences punishable under Sections 109, 118(2), 119(1), 189(2), 190, 191(2), 191(3), 351(2), 352 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 their Aadhar and Pan Cards to the Investigation Officer and detailed address and phone numbers of applicants and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of 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