



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

25 BAIL APPLICATION NO. 223 OF 2026

Vikas @ Balu Vijay Mahale
Age – 29 years, Occu – Agri.,
R/o Zende Anjan, Tq. Shirpur,
District – Dhule

... Applicant

VERSUS

The State of Maharashtra

... Respondent

...
Advocate for Applicant : Mr. Sanket N. Suryawanshi
Addl. P.P. for Respondent/State : Mr. A.R. Kale

CORAM : SHAILESH P. BRAHME, J.

DATE : 07.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking enlargement on regular bail in connection with Crime No. 190 of 2025, registered with Shirpur Taluka City Police Station, Dist. Dhule for the offences punishable under Section 103(1) of Bharatiya Nyaya Sanhita, 2023.

3. The applicant is arrested on 09.07.2025 Charge-sheet is filed on 29.08.2025. He is seeking bail on long incarceration as well as on the merits of the matter.

4. Learned counsel Mr. Sanket Suryawanshi submits that the prosecution theory is eminently false. It is difficult to conceive that applicant shall contact the informant for handing over of mobile and immediately would run away from the house to commit murder of deceased – Devidas. No material is collected to show motive and the *mens rea*. The trial has not been started yet. There are no criminal antecedents against the applicant.

5. Learned Addl.PP Mr. Kale repels the submissions, stating that informant and Sapna their statements under section 183 are also consistent. The motive was civil litigation pending between the informant and the deceased. Post-mortem report shows as many as 23 injuries on the vital part of the body.

6. The motive, which is alleged by the prosecution appears to be very weak link. Going by the FIR, applicant went along with deceased Devidas in evening at about 6.00 pm. Thereafter, applicant again went to informant and handed over mobile. Had there been any rivalry due to the dispute, applicant would not have been entertained by informant or the family members.

7. Another surprising thing is that if the intention was to commit murder then there was no reason for applicant to go to the informant to hand over mobile and run away from the place. It would not have been probable that immediately after running from the place, he would commit assault when he was being chased by the informant and the eye witness. The statement of the eye witnesses as well as statements under section 183 do not suggest any justification for the surprising facts narrated in the FIR.

8. I have gone through column no. 7 of the post-mortem report. There are as many as 23 injuries inflicted on the body of the deceased which were fatal. I have my reservations as to whether such injuries are possible by stone or by overt act of a single person.

9. Considering the material collected during course of investigation, the prosecution case appears to be suspicious. Applicant is behind bars since 09.07.2025. Investigation is over. No antecedents are reported against him. He is entitled to be released on bail.

10. Hence, the following order :-

ORDER

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with No. 190 of 2025, registered with Shirpur Taluka City Police Station, Dist. Dhule for the offences punishable under Section 103(1) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.20,000/- (Rs. Twenty Thousand only) with one solvent surety of like amount.

(b) The applicant stay away from Zende Anjan, Tq. Shirpur, District – Dhule till conclusion of the trial.

(c) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(d) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(e) Applicant shall surrender his Adhaar Card to the Police.

(f) Applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-