



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

974 BAIL APPLICATION NO. 263 OF 2026

1. Bhimrao Kishanrao Kadam
2. Kiran s/o Dharasingh Kadam ....Applicants

VERSUS

The State of Maharashtra .....Respondent

.....

Mr. V. C. Patil (Ashtekar), Advocate for Applicants.  
Smt. R. R. Tandale, APP for the State.

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 20<sup>th</sup> FEBRUARY, 2026.**

PER COURT :

1. Applicant has preferred this application seeking regular bail in connection with Crime No. 001/2026 registered with Bhokar Police Station, Dist. Nanded, for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023.

2. The case of prosecution is that on 30.12.2025 at about 8.00 am, the informant along with brother-in-law had been to the farm for agricultural work on motorcycle bearing registration No. MH 26 Y 8173. At 6.00 pm, when they were to return home, they could not

trace the said motorcycle. On the basis of this, First Information Report came to be lodged.

3. Learned Counsel for the Applicants submits that this is case of false implication. First Information Report is lodged against unknown persons. Nothing is recovered from the Applicants. There is nothing on record to indicate complicity of the Applicants in the alleged crime. Hence, prayed to allow the application.

4. Per contra, learned APP has vehemently opposed the application submitting that the Applicants are involved in serious crime. It is further submitted that it was revealed during the investigation that the present Applicants along with the co-accused have committed theft of various motorcycles. Investigation in the crime is in progress. An apprehension is also expressed that if the Applicants are enlarged on bail, there is every possibility of they fleeing from justice. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, it is prima facie evident that the First Information Report is lodged against unknown persons. The requisite recovery of the

stolen motorcycles is carried out by the investigating agency. Moreover, all the offences levelled against the Applicants are triable by Magistrate and punishable upto 3 years. The Applicants are in custody since 05.01.2026.

6. Having regard to the age of present Applicants and considering that the necessary recovery is already effected, further incarceration of the Applicants is unwarranted. So far as apprehension expressed by learned APP is concerned, it can be adequately taken care of by imposing stringent conditions.

7. Hence, following order :-

**ORDER**

- (i) Application is allowed.
- (ii) Applicants Bhimrao Kishanrao Kadam and Kiran s/o Dharasingh Kadam, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 001/2026 registered with Bhokar Police Station, Dist. Nanded, for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

(a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The Applicants shall attend the trial on each and every date unless exempted by the Trial Court.

(c) The Applicants shall attend the concerned Police Station every Saturday between 11.00 am to 01.00 pm till filing of charge-sheet.

(d) The Applicants 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.

(e) In case of breach of any of the conditions by the Applicants, it is open for the prosecution to move concerned 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.)**