



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

BAIL APPLICATION NO. 281 OF 2026

Vaibhav S/o Kumar Swami
Age : 22 years, Occupation : Pvt. Job
R/o : Basweshwar Galli,
Renapur, Dist. Latur ... Applicant

VERSUS

The State of Maharashtra,
The Police Inspector,
Shivajinagar Police Station,
Dist. Latur ... Respondent.

...
Advocate for Applicant : Mr. N.S. Shinde
Addl.P.P. for Respondent/State : Mr. A.R. Kale

CORAM : SHAILESH P. BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.367 of 2025, registered with Shivaji Nagar Police Station, Dist. Latur for the offences punishable under Section 103(1), 109(1), 126(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. It is alleged that applicant and other accused gave cut to the car driven by the informant in which victims – Sonali and Anmol were travelling. Their car was stopped at distance and accused alighted from the cruiser and assaulted Anmol as well as Sonali. In a road rage, Anmol succumbed to the injuries and Sonali sustained injuries and she was required to be treated.

4. Applicant was arrested on 19.09.2025. Charge-sheet was filed on 15.12.2025.

5. In the backdrop, learned counsel for the applicant submits that doubt is created regarding prosecution case because in the FIR and statement of Sonali, incriminating role is attributed to two persons only. In the statement of co-accused, Shubham for the first time, prosecution came with a story of involvement of four persons including present applicant, which is unbelievable. It is contended that ingredients of offence under section 103 of BNSS is not attracted. There is no recovery from the applicant. No criminal antecedents are reported against the applicant.

6. Learned Addl.PP Mr. Kale opposes the application relying upon the statement of Shubham and Sonali. He submitted a specific role is attributed against the applicant of stabbing by the weapon and facilitating the assault. Blows are inflicted on the vital part of the body and those are multiple in nature on the person of the deceased as well as injured witness. It is submitted that other accused are identified in test identification parade.

7. FIR does not spell out name of the applicant. It only refers to assault by two persons. The injured witness Sonali whose statement was recorded as dying declaration, shows involvement of two persons only. In the statement of Shubham, role of the applicant is attributed. It is stated that main perpetrator was being accompanied by three persons and the applicant is alleged to have supplied the weapon.

8. Considering the statements and the papers of the investigation, the involvement of the applicant is doubtful.

9. Applicant and the victims were not knowing each other. No *mens rea* can be inferred from the acts alleged against them. It is case of road rage and the co-accused inflicted blows by knife in which Anmol succumbed to the injuries. No recovery is made from the applicant. To the extent of the applicants, I find *prima facie* the ingredients of section 103 of the BNSS are not made out. Applicant is student of BA.

10. Hence, I pass the following order :-

I) The Bail Application is allowed.

II) The applicant shall be released on bail in connection with Crime No.367 of 2025, registered with Shivaji Nagar Police Station, Dist. Latur for the offences punishable under Section 103(1), 109(1), 126(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 on following conditions:

(a)The applicant shall furnish P.R. bond of Rs.30,000/- (Rs. Thirty Thousand only) with one solvent surety of like amount.

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

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

(d) The applicant shall surrender his Adhaar and PAN cards.

(e) The applicant shall co-operate the Investigating Officer, if any further information is required.

(SHAILESH P. BRAHME, J.)

arp/-