



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

BAIL APPLICATION NO. 306 OF 2026

Aakash Pawan Icche,
Age 23 years, occ. Labour,
R/o. Piloda, Tq. Shirpur, Dist. Dhule. ... **Applicant**

VERSUS

The State of Maharashtra
Through Investigating Officer,
Thalner Police, Dist. Jalgaon ... **Respondent.**

...
Advocate for Applicant : Mr. Harshal P. Randhir h/f Ms. Rani K. Agrawal
A.P.P. for Respondent/State : Mr. G. O. Wattamwar
...

CORAM : SHAILESH P. BRAHME, J.

RESERVED ON : 08.04.2026

PRONOUNCED ON : 10.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 94/2025, registered with Thalner Police Station, District Dhule, for the offences punishable under Sections 103(1), 333, 331(8), 307, 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. It is reported by Sanjaysinh, nephew of deceased Gopalsing that the deceased and his aunt were residing at Hanuman Mandir Piloda Tq. Shirpur. On 01.07.2025 at about 12.13 a.m. he was informed about the commotion from the house of the deceased. When he rushed to the place, the deceased was found lying injured in pool of blood. The blood stains trailed to the staircase leading to terrace. On the back side of the house also stains were found. It is reported that the stains were treacable to the house of the applicant on opposite side of the road. Later on during the course of

investigation, it revealed that applicant along with co-accused Alok Chavan committed assault on the deceased with sharp weapon for the robbery.

4. The applicant was arrested on 01.07.2025. The charge-sheet is filed on 15.09.2025.

5. Learned counsel for the applicant submits that case is based on circumstantial evidence. Some unknown persons committed dacoity with murder and applicant is roped in. Its a concocted story of the prosecution which is improbable. It was rainy season and it was not possible to enter the locked house. The implication by the applicant because of extra judicial confession by co-accused before witness Sandip Ahire is concocted. No articles are stolen from the house.

6. Per contra, learned A.P.P. would vehemently submits that the material is collected to establish the link between accused and the overt act. The statement of Sandip Ahire is independent, which is corroborated by police station entry, recovery of knife at the instance of applicant and the medical evidence. The injuries on the person of the co-accused has not been explained. The weapon query report and the statement of Akash show the involvement of the applicant. The charge has been framed on 20.03.2026 and there is no need to release the applicant on bail.

7. The spot panchnama indicates that there is road in between applicant's house and the house of the deceased. The deceased Gopalsing was alone on the fateful night and he had locked the house. The applicant and the co-accused are alleged to have trespassed the house for committing theft, as they were in need of money and eventually committed murder.

8. The spot panchnama shows that there are other houses surrounding the spot of the incident. Those were the rainy days and the clothes seized were soaked. Postmortem report shows that injuries were inflicted on various parts of the body of the deceased by sharp weapon. There are no

signs of any attempt of theft. The spot panchnama does not show that the blood stains were in other rooms, albeit their trail was traced to the terrace through staircase.

9. The incident took place in night intervening 31.06.2025 to 01.07.2025. The statement of witness Vasudeo shows that accused were seen at 12 a.m. The accused are traced due to extra judicial confession of the co-accused Alok to witness Sandip. Sandip is resident of Vasol Tq. Devla, Dist. Nashik, which is 160 k.m. away from the place of the incident. He stated to have received the confession from the co-accused. His statement appears to be unnatural. If the co-accused wanted to confess, then there was no need for him to travel 160 k.m. and to disclose before a stranger. It was not that the disclosure, would have absolved him from the liability. The applicant is also stated to have confessed before the same person.

10. The link which is trying to be supplied by the prosecution in respect of extra judicial confession is doubtful. The co-accused is stated to have received injuries to his hand, while the applicant was assaulting the deceased by knife. The M.L.C. of Alok shows a simple injury by sharp weapon near a ring finger. There is no corresponding entry to this injury in the arrest panchnama of the co-accused. The specific columns of the arrest panchnama are left blank. The injury was visible and could have been easily noticed. This raises serious suspicion regarding the involvement of the accused in the offence.

11. The entry of the police station diary at Devla Police Station is also not very specific. The trail of the blood stains to the house of the applicant appears to be suspicious because that was rainy season. The recovery of weapon and weapon query report are not decisive factors. The investigation is over. No criminal antecedents are reported against the applicant. Nothing is reported to be stolen from the house. The applicant has made

out a case to be released on bail.

12. The Bail Application is allowed.

13. The applicant Aakash Pawan Icche shall be released on bail in connection with Crime No. 94/2025, registered with Thalner Police Station, District Dhule, for the offences punishable under Sections 103(1), 333, 331(8), 307, 3(5) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

- (a) The applicant shall furnish P.R. bond of Rs. 40,000/- (Rs. Forty 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 stay away from village Piloda Tq. Shirpur District Dhule, till conclusion of the trial and report his whereabouts and contact number to the investigating officer.
- (d) The applicant shall cooperate for expeditious disposal of the trial and attend the dates punctually.
- (e) The applicant shall surrender his Aadhar Card and PAN Card, if any, to the investigating officer.
- (f) Needless to mention that the observations herein above are *prima faice* in nature

14. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-