



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

BAIL APPLICATION NO. 371 OF 2026

Akshay Gautam Kamble,
Age : 30 years, Occu. : Nil,
R/o. Pachegaon, Tq. Sangola,
District : Solapur
(currently lodged at Newasa Jail)

... Applicant

VERSUS

The State of Maharashtra,
Through Police Inspector,
Shani Shingnapur Police Station,
Tq. Newasa, Dist. Ahmednagar

... Respondent

...
Advocate for Applicant : Mr. Tushar Chandrakant Shinde
A.P.P. for Respondent/State : Mr. S.V. Hange

CORAM : SHAILESH P. BRAHME, J.

DATE : 20.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.265 of 2024, registered with Shani Shinagnapur Police Station, District - Ahilyanagar for the offences punishable under Section 3(5), 115(2), 109, 103(3) of Bharatiya Nyaya Sanhita, 2023.

3. In the FIR, it is stated that deceased Sunil Sinha who was driver, was found injured and shifted to hospital and incident was reported to the informant since he was knowing him. During treatment in the hospital, it is disclosed by the Police that Sunil Sinha was being assaulted by Akshay and Gaurav. The motive attributable to the accused was that Sunil Sinha, who was a stranger, was trying to get into the bed and blanket of the applicant persistently though he was being refused. The applicant is arrested on 22.11.2024.

4. Learned counsel for the applicant submits that there is delay of 5 days in lodging the FIR which is unexplained. There is no direct material to connect the applicant to the incident of brutal assault on the vital part of the body. The CCTV footage collected during the course of investigation is inconsistent with the story of the prosecution. Statement of the eye witness – Dilip More also does not support the prosecution. The post-mortem report and the weapon injury analysis are inconsistent to the prosecution story. Co-accused Gajanan and Gorakh who were also facing identical allegations, are released on bail by this Court vide order dated 11.12.2025 passed in Bail Application No. 1006 of 2025.

5. Per contra, Mr. Hange would submit that a specific role has been attributed in CCTV footage and statements of Rushikesh Jagdale, Dilip More and Sunil Mote would corroborate the prosecution case. The injuries recorded in column no. 17 and 19 are eloquent. It discloses brutal assault on part of the applicant and co-accused with an intention to commit murder. My attention is adverted to the injuries recorded in column no. 20 of the post-mortem report which shows gravity and brutality. The role attributed to other co-accused who are released on bail, is venial in nature. The assault on the deceased is further substantiated by the medical papers of the hospital where the deceased was admitted immediately after the assault.

6. Informant is the person knowing the deceased and was called by the Police. After reaching the Police station, he learnt that deceased was being assaulted by accused persons, especially by the applicant by thrashing the face. The solitary eye witness Mr. Dilip More, whose statement is recorded, does not attribute any specific role to the applicant. The allegations disclosed in his statement are omnibus in nature.

7. Both sides have placed heavy reliance on the footage of CCTV which was collected during the course of investigation. It shows presence of accused in the incident in the night intervening between 17.11.2024 and 18.11.2024. The overt act of Amit Mundhe is recorded to be of 02.33 am. The overt act of the applicant is of 2.35.40, which is the assault by all the accused persons. However, time of assault by all the persons on Sunil Sinha is of 2.38.15. Thereafter, the deceased

seems to have been dragged by two persons to the middle of the road where the vehicles were being plied. Thereafter, applicant and co-accused are seen dragging deceased from the middle of the road to the corner of the road.

8. I am of the considered view that the other incriminating role which is found in the transcript *panchanama*, can be taken into account during trial. CCTV footage does not disclose a specific assault by cement brick made by the applicant on deceased Sunil, as is alleged by the prosecution. There is no reason to raise doubt about the actual role played by the applicant.

9. Both the parties have further heavily relied on post-mortem report. In column no. 17, in all 8 injuries are recorded and in column 19, 2 injuries are recorded. Further injuries recorded to ribs in column no. 20. In column no. 23, cause of death is reported to be head injury. The investigation is silent regarding any injury caused by present applicant on head by brick rather the allegations are on face the deceased was being smashed by the brick. It is relevant to refer to the weapon query analysis inasmuch as Exhibit A-1 is referable to injury caused by accused Amit. Injuries attributable to applicant are referable to Exhibit A-2. The injuries from serial no. 2 to 8 of column no. 17, cannot be said to be on vital part and fatal.

10. Considering the papers of investigation and the role attributable to the applicant, I am of the considered view that the allegations are doubtful. Co-accused have already been released on bail by this Court recording that there was no premeditation for the alleged act.

11. I am inclined to accept the reasons assigned by the Single Bench for the purpose of this applicant also. No previous antecedents are reported against the applicant. He is behind bars for sufficient period. He is entitled to be released on bail.

12. Hence, I pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. 265 of 2024, registered with Shani Shinagnapur Police Station, District - Ahilyanagar for the offences punishable under Section 3(5), 115(2), 109, 103(3) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or pressurize the prosecution witnesses in any manner.

(c) The applicant shall furnish their Adhar and Pan Cards and detailed addresses and phone numbers of applicant and two of the near relatives to the investigating officer.

(d) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(e) In case of breach of any of the conditions by the applicant, it is open for the prosecution to move this Court seeking cancellation of bail.

(f) Needless to mention that the observations rendered herein are restricted to the extent of this application and the trial Court shall not be influenced by the same.

(SHAILESH P. BRAHME, J.)

arp/-