



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

BAIL APPLICATION NO. 419 OF 2026

Sagar @ Abhishek s/o Prakash Thange,
Age 25 years, occ. Labour,
R/o. Krushnapur, Tq. Bidkin,
Dist. Aurangabad

... **Applicant**

VERSUS

- 1) The State of Maharashtra
Through Office incharge
Police Station Bidkin.
 - 2) The Superintendent of Police
Dist. Chh. Sambhajinagar
- ... **Respondents.**

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
A.P.P. for Respondent/State : Mrs. P. V. Diggikar
Advocate for Assist to APP : Mr. S.B. Deshpande, Senior Counsel, i/by Adv.
Rashmi Kulkarni and Adv. Priyanka Deshpande

BAIL APPLICATION NO. 370 OF 2026

Pradip Kalyan Thange,
Age 23 years, Occ. Business,
R/o. Thange Galli, Bidkin, Tq.
Paithan, Dist. Chh.Sambhajinagar

... **Applicant**

VERSUS

- 1) The State of Maharashtra
Through Office incharge
Police Station Bidkin.
 - 2) The Superintendent of Police
Dist. Chh. Sambhajinagar
- ... **Respondents.**

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
A.P.P. for Respondent/State : Mrs. P. V. Diggikar
Advocate for Assist to APP : Mr. S.B. Deshpande, Senior Counsel, i/by Adv.
Rashmi Kulkarni and Adv. Priyanka Deshpande

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CORAM : SHAILESH P. BRAHME, J.

DATE : 22.04.2026

PER COURT :

Heard both sides.

2. The applicants are seeking regular bail in connection with Crime No. 639/2025, registered with Bidkin Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45, 51 of Bharatiya Nyaya Sanhita, 2023.

3. The applicants are arrested on 24.10.2025. Charge is filed on 20.01.2026.

4. It is reported to the police by maternal uncle of the deceased Tanmay that on 20.10.2025 his another nephew Ruthik had installed a banner of the Diwali greetings. Thereafter on 22.10.2025 opposite of the said banner another banner was installed at the instance of the co-accused Rushikesh for birthday wishes. There was resentment in respect of the banners installed by the persons from the opposite group. On 23.10.2025 the incident took place at about 9.30 p.m. The applicants and the other co-accused are alleged to have gathered along with other persons with weapons. They are alleged to have assaulted deceased Tanmay. The deceased is further alleged to have been assaulted by Santosh by iron rod. Tanmay is stated to have been collapsed on the spot. He was shifted to the hospital and later on declared to be dead.

5. Learned counsel Mr. Ghanekar for the applicant Sagar @ Abhishek Thange submits that the fatal blow is given by co-accused Santosh. The main allegations are against co-accused Santosh and Rahul. The allegations against the applicants are venial in nature. The postmortem report shows that death was due to injury at Sr. No. 1 in column no. 17, which can be

attributed to co-accused Santosh. No blood stained clothes or weapons are recovered at the instance of the applicant. There was no motive or *mens rea* for the applicant to eliminate either deceased Tanmay or any other person.

6. It is contended by learned counsel Mr. Salunke appearing for applicant Pradip Thange that main perpetrators are Rahul and Santosh. The various transcripts of the CCTV footage also do not show any incriminating role against the applicants, except their presence and assault by fist and blows. A recovery is stated to be at the instance of co-accused Santosh and Vaibhav. The applicants are stated to have been falsely implicated in the offence because of the political rivalry in between co-accused Rahul and Ashok Dharme. My attention is adverted to the statement of Gorakh.

7. Per contra, learned A.P.P. submits that there are eye witnesses to the incident, who are consistent and the postmortem report corroborates the prosecution theory. As many as 11 injuries are noted in column no. 17 and 2 injuries in column no. 19. The applicants participated to commit offence, with motive and preparedness. The transcript of the CCTV footage would indicate the presence of the applicants. By implication of Section 190 of B.N.S. the liability of the applicant is co-extensive with main perpetrators.

8. Learned Senior Counsel Mr. Deshpande, who is permitted to assist the APP would submit that the consistent account of the eye witnesses is that applicants along with other persons formed unlawful assembly. There are as many as five CCTV footages, which would indicate the incriminating role played by them. There is convincing and incriminating ocular, scientific and electronic material to show involvement of the applicants. There is sufficient material to show motive.

9. I have gone through the F.I.R. as well as statements of eye witnesses Harshad, Gorakh, Akash. There are 10 eye witnesses, who were present and witnessed the incident which occurred on 23.10.2025 at 9.30 p.m. I have also gone through the transcript of the CCTV. The presence of the applicants

at the relevant time cannot be disputed.

10. The statements and the relevant material collected during the course of investigation unequivocally indicate that Tanmay was assaulted by Santosh by iron rod on his head. One Rahul had held hands of Tanmay before the assault. The allegations attributable to the applicants are that before giving fatal blow, they assaulted the deceased by kicks and blows. Although, there is a vague allegation that a stick was used to assault Tanmay, there is no specific material indicating that either of the applicant were armed with stick and inflicted blow by it. The transcript of the CCTV footage, which is produced on record only indicate the presence of the applicants in mob at the relevant time. The specific overt act has not been recorded in the transcript.

11. It reveals from the statement of Gorakh Dharme that his elder brother Ashok was the Sarpanch of Bidkin village panchayat and co-accused Rahul happened to be husband of member Mrs. Pratiksha Thange. He was at the loggerhead with Ashok Dharme. The victims, informant and the deceased appear to be supports of Ashok Dharme. In the first information report also discloses a rivalry between co-accused Rushikesh @ Chiman and Rutik, nephew of informant.

12. The material collected during the course of investigation thus suggest that there was preparedness, because the accused person were armed with weapons. However, there is no incriminating material to show that there was common object and knowledge attributable to the applicants. There is nothing on the record to show that applicants and co-accused especially main perpetrators had hatched any plan to eliminate any member of the rival group. At this stage of the proceedings, it would be inappropriate to deny bail due to implication of Section 190 of the B.N.S.

13. I have gone through the judgments supplied by the learned APP in the case of **Shobha Namdeo Sonavane Vs. Samadhan Bajirao Sonvane and**

others; 2026 INSC 181, **Manno Lal Jaiswal Vs. The State of Maharashtra ; AIR 2022 SC 704.** The ratio laid down therein cannot be disputed. But the principles cannot be made applicable to the present case. The facts are distinguishable. An objective scrutiny is required, which can be done during the course of the trial to hold the applicants liable by implication Section 190 of the B.N.S.

14. The applicants are behind bars for sufficient period. The investigation is over. Criminal antecedents of each offence is reported against them. They are entitled to be released on bail by imposing stringent conditions.

15. The Bail Applications are allowed.

16. The applicant **Sagar @ Abhishek s/o Prakash Thange** and **Pradip Kalyan Thange** shall be released on bail in connection with Crime No. 639/2025, registered with Bidkin Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 45, 51 of Bharatiya Nyaya Sanhita, 2023, on following conditions:

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

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

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

(d) The applicants are prohibited to enter Bidkin and Paithan, till conclusion of trial, save and except for attending the trial.

(e) The applicants shall surrender their Aadhar cards and PAN cards to the investigating officer.

(f) The applicants shall not indulge in similar types of offences in future.

(g) The applicants shall cooperate for expeditious disposal of the trial.

17. Bail applications are disposed of.

(SHAILESH P. BRAHME, J.)

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