



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

BAIL APPLICATION NO. 435 OF 2026

Abhijit @ Akash @ Bhanje Prakash Yadav,
Age : 23 Years, Occu. : Job,
R/o Gurudwara Road,
Usmanpura, Aurangabad. .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Abhaysinh K. Bhosle, Advocate for the Applicant.
Shri C. V. Bhadane, A.P.P. for the Respondent – State.

CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH MARCH, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking regular bail in furtherance of offence bearing Cr. No. 584/2024 registered with Chikalthana Police Station for the offences punishable U/Sec. 109, 103(1) and 3(5) of the Bhartiya Nyaya Sanhita (for the sake of brevity and convenience hereinafter referred as to the “B. N. S.”).

2. First information report is lodged on 06.12.2024 at the instance of Manager of Hotel located at Zalta Phata, Tq. and Dist. Chhatrapati Sambhajnagar. It is reported that informant received a telephone call at 3.44 AM on 06.12.2024 that three persons, who were drunken demanded food and coerced the

waiters to supply them food. Those persons abused and threatened the waiters and the manager when demanded bills. One of them was armed with knife, who tried to commit assault. At that time two further persons entered the hotel seeking food. One of them tried to pacify the attacker, who is lateron revealed to be Santosh. Santosh was stabbed, who lateron succumbed to injuries.

3. Applicant is arrested on 10.12.2024. Charge sheet is filed on 06.03.2025. In this backdrop, learned counsel Mr. Abhaysinh Bhosle would submit that the case is not covered by Sec. 103 of the B. N. S. There is no premeditation and intention to kill the deceased. The deceased was stranger to the applicant and others. He was just pacifying the quarrel. It is submitted that deceased suffered a solitary injury accidentally. It is contended that the prosecution case is doubtful. Further detention in jail is not required.

4. Learned Assistant Public Prosecutor would submit that on earlier occasion this Court declined to grant bail and application was permitted to be withdrawn vide order dated 20.08.2025. The successive bail application is not entertainable. It is submitted that applicant's role is evident from the transcription and material collected during the investigation. He is seen with knife and attempted to assault the informant. There are eye witnesses to the incident namely Narayan Mangate, Rahul Gautam, Prakash Paswan and Jeshraj Saroj. The statement U/Sec. 183 of

the Bhartiya Nagarik Surakshya Sanhita (for the sake of brevity and convenience hereinafter referred as to the “B. N. S. S.”) would corroborate the prosecution case. The knife is recovered with blood stains. Considering the injuries inflicted on vital part of the body, offence is made out against the applicant.

5. First information report does not spell out name of the applicant, but refers that one of the accused was holding the knife and terrorizing servants of the hotel. The injured Santosh, who latteron died is a stranger to the accused as well as witnesses. He had entered in the hotel for food and was trying to pacify the quarrel. Neither there could be motive, nor *mens rea* for the applicant to kill a person.

6. The postmortem report and especially column No. 17 shows a stab wound caused by blow given by knife. Its case of single blow by knife. It is difficult to conceive that offence U/Sec. 103 of the B. N. S. is made out.

7. I have gone through the transcription of the C.C.T.V. footage as well as statements of eye witnesses Vishal, Narayan, Rahul, Prakash and Jeshraj. The presence of the applicant with knife cannot be ruled out, but there is nothing to corroborate that there was any motive for the applicant to eliminate Santosh.

8. The investigation is over and the accused is behind bar since 10.12.2024. There is no substantive progress of the trial.

Hence I have entertained the successive bail application. I, therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant – Abhijit @ Akash @ Bhanje Prakash Yadav shall be released on bail in respect of Cr. No. 584/2024 registered with Chikalthana Police Station for the offences punishable U/Sec. 109, 103(1) and 3(5) of the B. N. S. on condition of furnishing P. R. bond of Rs. 30,000/- (Rs. Thirty thousands only) with one solvent surety of like amount on following condition.

- I The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses in any manner.
- II Applicant shall stay away from entire Aurangabad/ Chhatrapati Sambhajinagar district till conclusion of the trial save and except attending the dates of the Trial.
- III He shall furnish his mobile/cell number and address to the Investigating Officer.
- IV Applicant shall surrender his Aadhar and Pan cards to the Investigating Officer.

C. Bail application is disposed of.

[SHAILESH P. BRAHME J.]