



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 BAIL APPLICATION NO. 512 OF 2026

1. NAMDEV @ BABU SHIVAJI SHINDE
2. KISHOR @ SAHIL SHAHAJI KAKADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Hange Rajendra G.
APP for Respondent/s-State : Mr. S. V. Hange.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 02.04.2026

PER COURT :-

1. Heard both sides.
2. The applicants are seeking bail in respect of offence bearing Crime No.69 of 2025, registered with Patoda Police Station, District Beed, for the offences punishable under Sections 311, 309(6) of Bhartiya Nyaya Sanhita.
3. Applicants are arrested on 16.02.2026. The investigation is under way and the charge-sheet is yet to be filed. It is reported to the police by the informant that he received telephonic information that his father was found in injured condition by falling from the vehicle at Dhaspimpalgaon. On reaching hospital, injured father narrated the incident of overt act and robbery by three unidentified persons. It is alleged that

father was carrying ornaments and cash being jeweller and was intercepted and robbed.

4. Learned counsel for the applicants submits that applicants are entitled to be released on bail on the ground of parity as accused No.1 Aakash has already been released on bail. It is submitted that applicant Namdeo @ Babu is relative of the injured. There is a dispute over agricultural land between them. It's a case of false implication. It is submitted that there is no recovery from the applicants, no antecedents and no overt act is reported. It is submitted that applicants are ready to co-operate for identification parade.

5. Per contra, learned APP repels the submissions on relying upon transcript panchnama of CCTV footage disclosing presence of by the applicants. It is submitted that offence has been committed in a preplanned manner and the applicants are involved in it. The CDR reports also shows location near the victim. It is further submitted that the injuries are serious in nature. Test identification parade is yet to be conducted.

6. First Information Report does not spell out names of any of the accused persons but it is registered against unidentified persons. It is stated that victim/injured would recognize the assailants. I have gone through order dated 24.03.2025 passed

below Exh.1 enlarging Akash Domale on bail. The order has not been challenged by the respondents in the High Court. I do not find that there is any difference in the allegations as against the applicants and the accused No.1. The ground of parity is rightly pressed into service by the applicants.

7. The First Information Report shows that injured Vasant stated that he would identify the persons who committed overt act. In that case, going by the natural conduct the name of atleast applicant No.1 should have been disclosed. The theory of false implication cannot be ruled out *prima facie*. The CCTV transcription and CDR report need to be tested during the course of trial. Applicants are required for conducting identification parade. They have shown readiness to co-operate for the investigation. I, therefore, pass following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1. **NAMDEV @ BABU SHIVAJI SHINDE** and 2. **KISHOR @ SAHIL SHAHAJI KAKADE** shall be released on bail in Crime No.69 of 2025, registered with Patoda Police Station, District Beed, for the offences punishable under Sections 311, 309(6) of Bhartiya Nyaya Sanhita on

furnishing P. R. bond of Rs.30,000/- (Rupees thirty thousands only) each with one solvent surety of like amount each on the following conditions :

- (a) The applicants shall not contact the prosecution witnesses and tamper the prosecution evidence.
 - (b) The applicants shall surrender their Aadhar and PAN card to the Investigating Officer. not indulge in similar type of activity in future.
 - (c) The applicants shall attend the Police Station on every Sunday between 10.00 a.m. to 4.00 p.m. and shall co-operate the Investigating Officer for furnishing any information, if required.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-