



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 657 OF 2026

Khandu Umrao Lohar

.. Applicant

Versus

State of Maharashtra
Through Officer In Charge,
Police Station, Tuljapur,
Dist. Dharashiv (Osmanabad) and another

.. Respondents

...
Advocate for applicant : Mr. Sudarshan J. Salunke
APP for the respondent – State : Mr. C.V. Bhadane
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 27 APRIL 2026

PER COURT :

The applicant is seeking enlargement on bail in Crime No. 435 of 2025 registered at Tuljapur Police Station, Dist. Dharashiv for the offences punishable under section 103(1), 351(2), 351(3), 126(2), 3(5) of the Bharatiya Nyaya Sanhita.

2. It is reported to the Police by Salima w/o deceased Mehboob Shaikh that her husband was having extra-marital relations with applicant's wife Swati who was resident of the same village. There had been frequent quarrels on that count between the two families. Applicant's wife was asked by the informant not to keep contact with applicant but she did not respond. Due to their relations, applicant used to threaten to kill Mehboob. On 14.11.2025, it was informed that applicant and co-accused were assaulting Mehboob on the bridge over

the river. On reaching the spot, informant and her daughter found that applicant was having a stone and co-accused Uddhav was having an iron rod in his hand and they were assaulting Mehboob. Informant and her daughter were prevented from rescuing her husband. The deceased was assaulted and his motorcycle was damaged. He was thrown in the river. Later-on, he was shifted to hospital and declared to be dead.

3. Learned counsel Mr. Sudarshan Salunke appearing for the applicant submits that co-accused – Uddhav has been released on bail by the Sessions Court who is also facing identical allegations. The investigation is over and applicant is also entitled to bail. It is submitted that the prosecution theory is doubtful and eye witnesses are interest and not reliable. The observations of the learned Sessions Judge in order dated 27.02.2026 regarding false implication due to filing of CR No. 28 of 2025 by Swati against the applicant would enure to the benefit of the applicant also. Applicant is alleged to have assaulted only by stone whereas co-accused is alleged to have assaulted by iron rod who was granted bail. The ground of parity has been pressed into service with all vehemence.

4. Per contra, learned APP would point out that there are as many as six eye witnesses who are consistent in showing involvement of the applicant in committing the assault along with the co-accused.

Saudagar, Munna, Farid and Vinod are independent eye witnesses and there is nothing to disbelieve them. There was strong motive for the applicant to eliminate his wife's paramour. The CCTV transcript corroborates the prosecution theory. The post-mortem report also further supports the theory and shows as many as 23 injuries. There is recovery of weapons. It is said to be a pre-planned murder.

5. Applicant and co-accused Uddhav are alleged to have committed assault by stone and iron rod on 14.11.2025 in a broad day light at a public place i.e. bridge over the river. There are in all six eye witnesses for the incident in question.

6. The witnesses Vinod and Saudagar can be said to be independent witnesses unrelated to the victim. Other eye witnesses were related to them. But that cannot be a ground to discard their version. The statement under section 183 of informant and her daughter corroborate the prosecution theory. Applicant and the co-accused were armed with the weapons and they had threatened the witnesses to not to intervene. The presence of the applicant at the relevant time, cannot be disputed. The transcript of the CCTV footage would disclose that victim was being chased by applicant and co-accused on motorcycle and they were armed with weapons.

7. The iron rod and the stone are recovered. It is a broad day light murder. There was motive of extra-marital relations of the deceased with applicant's wife. The post-mortem report shows 23 injuries on the person of the deceased. There is nothing to disbelieve the witnesses. I find that strong *prima facie* case is made out against the applicant.

8. I have gone through the order enlarging the co-accused Uddhav on bail. The discrepancy of the use of weapon and filing of a case by Swati against deceased Mehboob are the reasons assigned, mainly to grant bail. I do not concur with the reasons assigned by the learned Judge. The purport of the discrepancies should have been gone into during the course of trial. It was not necessary to extend the benefit at this juncture. Role of the applicant is more inculpatory because deceased was keeping illicit relations with his wife. Co-accused was his brother. I am, therefore, not persuaded by order passed in favour of co-accused – Uddhav.

9. I find no merit in the application and it is rejected.

[SHAILESH P. BRAHME]
JUDGE

arp/