



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

BAIL APPLICATION NO.783 OF 2026

Mithu Chabu Devkar

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. S.S. Bora, Advocate for applicant

Mr. S.V. Hange, A.P.P. for respondent – State

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 8th JUNE, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.352/2025, registered at Ambhora Police Station, District Beed for the offences punishable under Sections 109, 118(2), 189(2), 191(3), 190, 115(2), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicant submits that the applicant is falsely implicated in the crime. The wife of the applicant had lodged crime bearing FIR No.351/2025 for the offence of murder of the father of the applicant and to counter the same, the present false FIR is lodged. There is prior enmity between the parties in

relation to an agricultural land. As far as the antecedents of the applicant are concerned, the said offences are pending before the Court and the same cannot be made sole basis to withhold liberty of the applicant.

3. Per contra, learned A.P.P. vehemently opposed the application submitting that the injury sustained by the victim is serious in nature, which disentitles the applicant to be admitted to bail. He, therefore, prayed to dismiss the application.

4. Having heard the submissions from both the sides and upon perusal of the record *prima facie* indicates that admittedly there are cross cases filed by the parties in relation to the incident wherein father of the present applicant has succumbed to death. Given the nature of allegations and considering the entire episode leading to the registration of FIR, there is a possibility of over implication.

5. As far as criminal antecedents are concerned, in view of the law laid down by the Hon'ble Supreme Court ***in Prabhakar Tewari v. State of U.P. (2020) 11 SCC 648***, the mere pendency of several criminal cases against an accused cannot by itself be the sole basis for the refusal of bail, if the applicant is otherwise found entitled to it.

6. Nevertheless, the investigation of the crime is complete and the chargesheet is filed to that effect. Moreover, the co-accused are released on bail. As such, further incarceration of the applicant would be neither justified nor warranted. Thus, I am inclined to exercise discretion in favour of the applicant, however, by imposing stringent conditions. Hence, the order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) Applicant, Mithu Chabu Devkar, be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.352/2025, registered at Ambhora Police Station, District Beed, for the offences punishable under Sections 109, 118(2), 189(2), 191(3), 190, 115(2), 352 of the Bhartiya Nyaya Sanhita, 2023, on the following conditions that :-
 - (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner and shall not enter the jurisdiction of the concerned police station till conclusion of the trial, except attending the dates before the trial Court.

- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicant shall submit *Aadhar* and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-