



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

BAIL APPLICATION NO.794 OF 2026

Nagesh Virupan Bhosle

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. K.A. Ingle, Advocate for applicant

Ms Ashlesha S. Deshmukh, A.P.P. for respondent – State

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th JUNE, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.130/2025, registered at Bidkin Police Station, District Chhatrapati Sambhajinagar (Rural) for the offences punishable under Sections 310(2), 311, 238 of the Bhartiya Nyaya Sanhita.

2. The prosecution case in short is that, 7 to 8 persons carrying knives and other arms entered the house of the informant and assaulted the informant, in which the informant sustained

grievous injuries. They also snatched gold ornaments and also stolen money.

3. Learned counsel for the applicant submits that, the applicant is falsely implicated in the present crime. The F.I.R. was lodged against unknown persons. Furthermore, no recovery has been made at the instance of the present applicant. The applicant was arrested on 28/7/2025 and since then he is in jail. He further submits that, test identification parade is not conducted. The investigation is complete and charge sheet has been filed. Therefore, further incarceration of the applicant is unjustified. He further submits that, other accused have been released on bail by this Court. Therefore, even on the ground of parity, the applicant deserves to be released on bail. He therefore prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, submitting that, the crime is serious in nature and that there is sufficient material on record to establish the complicity of the applicant. There are antecedents against the applicant. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence and repetition of offence of similar nature. He therefore prayed to reject the application.

5. Admittedly, the F.I.R. was lodged against unknown persons and the name of the applicant was mentioned during the course of investigation. Moreover, the alleged weapon and other articles connected to the crime have already been recovered by the investigating agency. As such, nothing further remains to be recovered at the instance of the present applicant. Furthermore, in absence of test identification parade, further incarceration of the applicant is unjustified.

6. While the prosecution highlights the applicant's criminal antecedents, it is a settled principle of law in the case of **Prabhakar Tewari Vs. State of U.P. and another [(2010) 11 SCC 648]**, that, mere existence of prior cases does not serve as a ground to deny bail, if the facts of the current case, fail to establish a prima facie necessity for continued incarceration.

7. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant is effected on 28/7/2025 and since then

the applicant is in jail.

8. As such, further detention of the applicant as an undertrial prisoner in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by learned A.P.P. about tampering with the prosecution evidence and possibility of repetition of crime, can be adequately taken care of by imposing stringent conditions.

9. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Nagesh Virupan Bhosle be released on regular bail on furnishing P.R. bond of Rs.50,000/- (Rupees fifty thousand) with one or two local solvent sureties in the like amount in connection with Crime No.130/2025, registered at Bidkin Police Station, District Chhatrapati Sambhajinagar (Rural) for the offences punishable under Sections 310(2), 311, 238 of the Bhartiya Nyaya Sanhita, 2023, on following conditions :-

(a) The applicant shall attend each and every date of the trial

unless exempted by the Trial Court.

- (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) The applicant shall submit his Aadhar and PAN Card to the investigating officer and detailed address and phone number of applicant and two of the near relatives.
- (d) Breach of any of the conditions by the applicant would entail cancellation of the 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/-