



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1002 OF 2026

SUBODH ALIAS TINKU DILIP GAJBHARE

VERSUS

THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Nilesh S. Ghanekar

APP for Respondents-State : Mr. D. J. Patil

CORAM : SACHIN S. DESHMUKH, J.

Date : 9th June, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 18.04.2025 bearing Crime No. 382 of 2025 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 109, 115(2), 352, 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that on 14.04.2025 approximately at 07.30 in the evening, the informant and his friend, Sachin Sukesh Bhadarge, were riding a motorcycle from Dhanegaon to a milk dairy. Upon reaching Chhatrapati Chowk in Dhanegaon, they were intercepted by Dilip Waghoji Gajbhare, Subodh alias Tinku Dilip Gajbhare, Raju Manik Gajbhare, Abhijit

Raju Gajbhare, Kundan Sanjay Landge and several unidentified individuals. Dilip Gajbhare confronted them, questioning their presence in the area. Subodh alias Tinku Gajbhare and Abhijit Raju Gajbhare then claimed that the informant had previously obstructed them while they were chasing an individual named Tiger Babhale.

3. Following this statement, Abhijit incited the group to kill the informant and struck him on the head from behind with a rope, causing him to fall down dizzy. While the informant was on the ground, Kundan Landge, Raju Gajbhare, and the other unidentified assailants kicked and punched him in the stomach and back with the intent to kill him. Simultaneously, Dilip Waghoji Gajbhare and Raju Manik Gajbhare restrained Sachin Bhadarge, allowing Subodh Gajbhare to assault Sachin with a dagger and stab him in the back with homicidal intent. Although both victims managed to break free from the clutches of the accused and attempt an escape, they fell down again, at which point all the aforementioned accused persons repeatedly kicked them and assaulted them with stones.

4. The learned counsel for the applicant submits that it is the case of over implication. It is further contended that the FIR was an afterthought, registered after a delay of four days. The

learned counsel also submits that a co-accused in this crime has already been enlarged on bail by this Court; therefore, on the ground of parity, it is prayed that the application be allowed.

5. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offense being repeated. Accordingly, it was prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, the prosecution case arises from an incident that allegedly occurred where the informant and his friend, Sachin Sukesh Bhadarge, were intercepted and assaulted by multiple individuals.

7. The medical evidence available on record prima facie fails to conclusively corroborate the gravity of the prosecution's oral assertions against the applicant. The prosecution claims that the applicant used a lethal weapon, specifically a dagger, with homicidal intent.

8. Furthermore, the co-accused in the present crime have been enlarged on bail by the Sessions Court vide orders dated 21.06.2025, 22.04.2026 and 03.05.2025. As such, the present applicant, who is situated on the similar footing as that of the co-accused and is entitled for bail on the ground of parity.

9. The investigation is complete for all intent and purpose and 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. As such, further detention of the applicant as an under trial 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.

10. Hence, the following order:

ORDER

(I) Application is **allowed**.

(II) Applicant – Subodh @ Tinku Dilip Gajbhare be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 382 of 2025 registered with Nanded Rural Police Station,

Dist. Nanded for the offences punishable under Sections 109, 115(2), 352, 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court 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 Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicant would entail the cancellation of the bail.
- (iii) Needless to states 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.)

Omkar Joshi