



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1016 OF 2026

ROHIT DYANESHWAR KUKDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ade Ravindra B.

APP for Respondent/State: Mr. D. J. Patil

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CORAM : SACHIN S. DESHMUKH, J.

Date : 12.06.2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 24.01.2026 bearing Crime No. 38 of 2026 registered with Kadim Jalna Police Station, District Jalna for the offences punishable under Sections 103(1), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Section 3/25, 5/27 of Indian Arms Act read with Section 135 of Mumbai Police Act.

2. The prosecution case is that on 23.01.2026 approximately at 08:45 p.m., the informant received a telephone call while working at a Chinese food cart. The caller informed that his brother-in-law, Charan Rayman, had been killed and instructed him to report immediately to Kalawati Hospital. Upon receiving this information, the informant and

his wife rushed to Kalawati Hospital, where learned that the victim had already been referred to the Civil Hospital for treatment. The informant and his wife immediately proceeded to the casualty ward of the Civil Hospital. Upon their arrival, the concerned Medical Officer examined Charan Rayman and declared dead.

3. The prosecution case further states that the people assembled at the hospital informed that the incident occurred between 08:00 p.m. and 08:30 p.m. on 23.01.2026. The assault took place in front of the Siddhivinayak Balrugnalaya on Ghati Road in Old Jalna, where two unidentified individuals riding a two-wheeler fired a pistol bullet at the victim. Charan Rayman sustained a grievous firearm injury from the attack, which resulted in his death, leading the informant to lodge the present complaint against the unknown assailants.

4. The learned counsel for the applicant submits that it is a case of false implication. The contents of the FIR establish that the informant is not an eyewitness to the incident, having only received information from unidentified individuals who were present at the hospital. This complaint was lodged against unknown persons and the subsequent implication of the applicant rests solely on vague suspicions.

In any case, the implication of the applicant is at delayed stage. The incident is of 23.01.2026 and the statement of the wife of the deceased was recorded on 27.01.2026. In any case, the only allegation is of procurement of the weapon allegedly used in the crime from applicant. The applicant is a student. There are no criminal antecedent. The Investigation is complete and the charge-sheet is filed, as such, further incarceration of the applicant would be unjustified.

5. Per contra, the learned APP vehemently opposes the bail application submitting that there is strong prima facie evidence establishing the applicant's direct involvement in a criminal conspiracy. The prosecution highlights the incriminating circumstance wherein one of the related FIRs was actually lodged at the instance of the present applicant. Given the gravity of the crime involving a fatal daylight shooting, the applicant's active role in the conspiracy disentitles to be admitted to bail. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution case. As such, prayed to reject the bail application.

6. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, that the

FIR was registered against unknown persons based on information received by the informant at the hospital. The prosecution case is premised on circumstantial evidence and a subsequent theory of conspiracy, the roots of which must be tested during the trial. The learned APP argued that the applicant's involvement in lodging a related FIR points toward complicity, I find that such a circumstance requires strict proof and cannot form the sole basis for denying personal liberty at the pre-trial stage.

7. Moreover, a perusal of the material on record reveals that, prima facie, this appears to be a case of false implication. There is an unexplained and significant delay on the part of the investigating agency in recording the statements of the material witnesses. Furthermore, the delayed statements prima facie indicates that they contain a bare assertion regarding the procurement of the weapon allegedly used in the incident, without any corroborative evidence.

8. Apart from the aforesaid aspects, the investigation is complete for all intents and purposes and the custody of the applicant is no longer required. Considering the number of witnesses the prosecution proposes to examine, there is every likelihood that the trial

will take a considerable time before reaching its final conclusion. Furthermore, The arrest of the applicant has been effected on 29.03.2026 and since then, is in jail.

9. The applicant is a student whose academic career and future prospects would be severely jeopardized by prolonged incarceration during the pre-trial phase. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. Hence, following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – ROHIT DYANESHWAR KUKDE, 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 connection with Crime No. 38 of 2026 registered with Kadim Jalna Police Station, District Jalna for the offences punishable under Sections 103(1), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Section 3/25, 5/27 of Indian Arms Act read with Section 135 of Mumbai Police Act, 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) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of 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.)

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