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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3899 OF 2026

Rahul @ Domya Subhash Aaher .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Aniket Vagal a/w Juhi Kadu a/w Savvy Kolhekar, for the Applicant.
- Mrs. Gauri Rao, APP for the Respondent - State.
- Mr. S.V. Shinde, Police Constable, Lasalgaon Police Station, Nashik

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Aniket Vagal, learned Advocate for Applicant and Mrs. Gauri Rao, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.I-168 of 2024 registered with Lasalgaon Police Station, Nashik for offences punishable under Sections 109, 118(1), 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3), 351(4), 352, 61(2)(a) and 103 of the Bharatiya Nyaya Sanhita, 2023

3. The Applicant is incarcerated for a period of more than two years and three months in the present case. He is arraigned as accused No. 2. He is a young offender. Except for accused No. 5, the other

accused persons are all released on bail.

4. The prosecution case is that about five to six months prior to the incident, a matrimonial dispute had occurred between the parties, namely, the husband and wife, and the wife had therefore started residing elsewhere, near the informant. The husband therefore developed a misunderstanding about the role of the informant, who was his brother, and that he was instrumental in poisoning his wife's mind against him, which led to further verbal altercations and family fights between the parties. Admittedly, none of these fights or verbal altercations were ever reported to the police. The brother of the Applicant was brutally assaulted, and the evidence of the prosecution is direct.

5. The incident in question has been witnessed by certain bystanders and witnesses. However, it is seen that all the assailants were armed. The blows were inflicted with a wooden log and a sickle.

6. Though there is direct evidence with regard to the participation of the Applicant, the Applicant was not the sole person involved, but the other co-accused persons, who are also relatives participated in the crime, and they have all been enlarged on bail. Therefore, considering the young age of the Applicant and his incarceration for over two years and three months, I am inclined to consider the case of the Applicant for grant of bail on the ground of

parity.

7. The Applicant is 22 years old, and therefore, every semblance of a chance should be immediately taken by the Court to consider releasing the Applicant so that he can become a better citizen of society. The Applicant is released on bail.

8. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.I-168 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates,

unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

9. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made

hereinabove in this order.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]