

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 147 OF 2025

Santosh Haribhau Brahmne

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Nitin Gaware Patil a/w. Mr. Divyesh K. Jain, Advocate for the Applicant.

Smt. Ranjana D. Humane, APP for the Respondent-State.

D.M.Lokhande, Yeola City Police Station, Nashik Rural present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in C.R.No. 198 of 2022 registered with Yeola City Police Station, Nashik, for the offences punishable under Sections 302, 307, 120(b), 212, 201 r/w. 34 of Indian Penal Code, 1860 (for short "IPC") and Section 3 and 25 of Arms Act.

2. It is prosecution's case that on 05.07.2022, the applicant and co-accused murdered deceased by shooting in his head from pistol and fired at his brother with intention to kill them.

3. It is contention of learned counsel for the applicant that applicant is behind bars for more than three years. There is no progress in

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trial. The allegations against the applicant are that he shot in the head of the deceased by pistol. The prosecution's case is based on circumstantial evidence. There is no direct evidence against the applicant. Out of 8 co-accused, 6 accused have been released on bail. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant fired in the head of the deceased from his pistol, he also fired at the first informant and his brother with intention to kill them. The applicant has antecedents. If the applicant is released on bail, he may abscond or threaten prosecution witnesses, and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. In the Test Identification Parade, the applicant has not been identified. The ballistic report shows that the bullet fired in the head of the deceased was not from the pistol recovered at the instance of the applicant. The applicant is behind bars for more than 3 years. There is no progress in the trial. The co-accused having similar allegations, have been released on bail. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 198 of 2022 registered with Yeola City Police Station, Nashik,

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on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending application, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)