

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 266 OF 2026**

Barku @ Sharad Dadaji Gangurde

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Siddharth Gharat a/w. Mr. Sahir Patel i/b. Mr. Nitin Sejpai, Advocate for the Applicant.

Mr. B.B.Kulkarni, APP for the Respondent-State.

Mr. S.B.Bachhav, PC- Jaikheda Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 500 of 2024 registered with Jaykheda Police Station, Nashik, for the offences punishable under Sections 103, 238 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS Act”).

2. It is prosecution’s case that the applicant and co-accused murdered his cousin and friend on account of old dispute.

3. It is contention of learned counsel for the applicant that the prosecution’s case is based on circumstantial evidence. There is no recovery at the instance of the applicant. The applicant is behind bars for more than one year and four months. The applicant has no antecedents.

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It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant with the help of co-accused, murdered the deceased and his friend. This Court has permitted the co-accused to file fresh bail application after six months. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. Prosecution's case is based on circumstantial evidence. There is no recovery at the instance of the applicant. To prove the allegation's against the applicant, trial is required. The applicant is behind bars for more than one year and four months. There is no progress in the trial. The applicant has no antecedents. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 500 of 2024 registered with Jaykheda Police Station, Nashik, 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.

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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 applications, 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.)