Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3918 OF 2026

Makrand Sunil Deshmukh .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Vivek Arote a/w. Mr. Harish Garde, Advocates for Applicant.
- Ms. Sangeeta E. Phad, APP for Respondent.
- Mr. Omkar S. Banbe, Advocate for Intervenor.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Arote, learned Advocate for Applicant; Ms. Phad, learned APP for Respondent and Mr. Banbe, learned Advocate for Intervenor.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.245 of 2024 registered with Sarkharwada Police Station, Nashik for offences punishable under Sections 46, 61(2), 352, 351(2), 351(3), 103(1), 109(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023; Section 135 of the Maharashtra Police Act, 1951 and under Sections 4 and 25 of the Arms Act, 1959.

3. Applicant is arraigned as Accused No.3 in the case. There are 3 other co-accused persons. When the charge-sheet was filed, one of

the accused person was declared as absconding. The dispute arose in the view of the deceased person having told the Informant that the co-accused has assaulted by him and he should not have any enmity with the said co-accused namely Ventkatesh More who had been discharged by the prosecution and who is shown as the gang leader and the threat given by him is in question.

4. The 4 accused persons are shown to be his accomplices and associates. Insofar as the role attributed to the present Applicant is concerned, he was undoubtedly not unnamed in the FIR, nor is there anything in the chargesheet to infer that he was part of the conspiracy hatched by the gang leader alongwith the other accused persons to eliminate the deceased. The fact that he is an associate of the gang leader is the only attribute due to which he has been arraigned as an accused in the present crime and more specifically on the basis of previous enmity and threats which Applicant had extended to the deceased before the present incident in question.

5. Insofar as the present incident in question is concerned, there is no specific incriminating material placed on record to show the nexus of Applicant with the incident leading to the assault on the victim, save and except the issue of conspiracy. Applicant is arrested on the basis of circumstantial evidence and is in incarceration for the past close to 2 years. Based on the aforesaid, Applicant has made out a

case for grant of bail.

6. 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 – Makrand Sunil Deshmukh is directed to be immediately released from prison in connection with CR. No.145 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five 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 Monday 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 enter the territorial jurisdiction of Nashik City Police Station till the conclusion of trial except attending the Court hearing;

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

(viii) 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

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

7. 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.

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

[MILIND N. JADHAV, J.]

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