

**IN THE COURT OF ADDL.SESIONS JUDGE AT PAITHAN,
DISTRICT AURANGABAD**

MHAU170001662026



**Cri. Bail Application No. 36 of
2026**

**Aditya s/o Amol Pagare & Anr.
Vs. The State of Maharashtra.**

**Crime No. 91 of 2026, Offence
U/sec. 309 (6) R/w 3 (5) of BNS,
P.S. Bidkin, Tq. Paithan.**

ORDER BELOW EXH.01

01. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, (for short "BNSS") for grant of bail by applicants namely 1) Aditya s/o Amol Pagare and 2) Gaurav s/o Kailas Pagare.

02. The Investigating Officer filed his reply vide Exh.05 and thereby opposed the application on the ground that there is possibility of tampering with prosecution witnesses and hampering of investigation, in the event applicants are granted bail. It is his further contention that there is possibility of commission of similar offence, if applicants are released on bail.

03. Heard the learned counsel for the applicants and learned APP for the State. Perused the application, say and case diary. It is the submission of learned counsel for the applicants that the applicants are innocent and the FIR is lodged against unknown person and applicants have no concerned with the present crime and therefore, applicants deserve to be released on bail.

04. Learned A.P.P. for the State has submitted that the material on record clearly shows involvement of the applicants and therefore, applicants may not be released on bail.

05. On perusal of case diary, I find that initially the offence has been registered against unknown person with the allegation that three unknown persons obstructed the informant and on the point of knife robbed him by snatching his mobile handset and by getting transferred Rs. 7,282/- using phone-pay of said mobile handset. During investigation, the Investigating Officer, on personal search of applicant No.1 Aditya, has recovered cash amount of Rs.2,000/-, one mobile handset of Tecno company worth of Rs.10,000/- and mobile handset of MOTOROLA company worth of Rs.15,000/- of the informant and on personal search of applicant No.2 Gaurav, he recovered cash amount of Rs. 2,000/-. The applicants and co-accused confessed the crime. Thus, there is *prima facie* material on record against the applicants showing their involvement in the crime. Moreover, absence of the name of applicants in FIR demonstrates that there is no ill-intention of the informant in lodging report. In such situation, it cannot be said that merely on suspicion the applicants have been apprehended and detained behind bars. The investigation is still going on. The possibility of tampering with prosecution witnesses and hampering of investigation cannot be ruled out. So also, the possibility of commission of similar crime in the event of grant of bail cannot be ruled out. Therefore, the

applicants are not entitled to bail. In the result, I proceed to pass following order :-

ORDER

Application is rejected.

Dated : 16.03.2026

(R.D.Gadwe)
Additional Sessions Judge,
Paithan