

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

MHAU170001792026



**Bail Petition No. 42 of 2026
Rushikesh @ Chiman Haribhau
Jadhav Vs. The State of
Maharashtra.
Crime No. 639 of 2025, Offence
U/sec. 103(1),189(2),190,191(2), 45,
51 of BNS. Bidkin Police Station,
Dist. Chhatrapati Sambhajnagar.**

ORDER BELOW EXH.01

01. This is an application under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail by applicant namely Rushikesh @ Chiman Haribhau Jadhav.

02. The Investigating Officer has opposed the application by filing his reply vide Exh. 08. He has objected the application on the ground that the offence is premeditated, serious in nature and was committed by forming an unlawful assembly. Co-accused Rameshwar Rajle and Vishal Pawar are yet to be arrested. It is his further contention that there is possibility of tampering with prosecution witnesses, if the applicant is released on bail.

03. Heard the learned counsel for the applicant and learned APP for the State. Perused the application, reply, copy of charge-sheet and all the documents produced on record. On perusal of FIR, it appears that Tanmay Ganesh Chormare and Rutwik Ashok Dharme are the nephews of informant namely, Yogesh Maruti Dane.

Since 21.10.2025, Tanmay Ganesh Chormare was at the house of the informant due to holidays in his college. On 20.10.2025 Rutwik Dharme displayed the banner conveying 'Diwali Wishes' in front of Chhatrapati Shivaji Maharaj statue at Bidkin. On 22.10.2025, Rushikesh @ Chiman Jadhav (present applicant) displayed his banner of birthday in front of the banner of Rutwik Dharme on the say of co-accused Waman Ramrao Sathe and Aakash Ashok Wanjare despite Bajrang Thange asked him and his associates not to do so. On 23.10.2025, in the night at 08.00 p.m. Rutwik made the informant to listen the conversation between Bajrang Thange and Rushikesh @ Chiman Jadhav (present applicant) recorded in mobile. In the said recording, Chiman Jadhav (present applicant) says to Bajrang Thange "रुतीकचे बॅनर पाठीमागे असून तो बोलत नाही, तु कोण बोलणारा, धर्मेची भावकी कितीक आहे, बॅनर कोणी साईडला केले तर, सहाच्या सहा गोळ्या घालीन, तुला रेकॉर्डिंग करायची तर कर, माझ्या मागे खुप मोठी यंत्रणा आहे, बाहेरून मी दहा हजार पोरं आणु शकतो बिडकीन मध्ये." After that, Rutwik Dharme called Rushikesh @ Chiman Jadhav (present applicant) on phone and asked him about it. In said conversation, there was exchange of hot words between them. At about 9.30 p.m., near the house of Rutwik Dharme, while Rutwik Dharme, Akash Gorakh Dharme, Gorakh Bhanudas Dharme, Namdeo Dharme and Somnath Tupe were talking with each other, the informant and his nephew Tanmay Ganesh Chormare went there. While they all were sitting, Rushikesh @ Chiman Jadhav (present applicant), Rahul Thange, Santosh

Thange, Pradeep Thange, Sagar Thange and 30 to 35 unknown persons came there with iron pipes/rods and wooden handles and started assaulting them. Therefore, they ran towards Sarafa Galli. At that time, Rahul Thange caught Tanmay Chormare. Rushikesh @ Chiman Jadhav (present applicant), Pradeep Thange and Sagar Thange started beating Tanmay Chormare with fist and kick blows and wooden handle. Santosh Thange assaulted Tanmay on his head by iron rod with intention to kill him. Thereafter, they ran away. Blood was oozing from the ear and nose of Tanmay and therefore, the informant and Harshad Rukhmaji Dharme took him to Varad Hospital, Bidkin and thereafter to CIIGMA Hospital, Chhatrapati Sambhajinagar for treatment. On 24.10.2025, at 02.00 p.m. Tanmay died at CIIGMA Hospital during treatment.

04. The Investigating Officer has filed charge-sheet against the applicant and co-accused for commission of offences punishable under Sections 103(1), 189(2), 190, 191(2), 45 and 51 of BNS, 2023. It is well settled that while considering the grant or refusal of bail, the gravity of offence and severity of punishment needs to be looked into. The offence punishable under 103(1) of BNS (corresponding to section 302 of IPC) is grave in nature and is punishable with death or imprisonment for life. The FIR itself shows the active participation of present applicant in the alleged crime.

05. It is the submission of learned counsel for the applicant that deadly blow is not given by the present applicant but by co-

accused Santosh Thange and therefore, the applicant deserve to be released on bail. I am not convinced with this submission as the intention of the assailants is material and the FIR itself shows that the present applicant alongwith co-accused persons and other 30 to 35 persons arrived at the spot of incident with iron pipes/rods and wooden sticks with intent to assault the deceased Tanmay and while deceased Tanmay was trying to escape, Rahul Thange caught him and present applicant and other co-accused persons assaulted him with fist and kick blows and wooden sticks and co-accused Santosh Thange gave a deadly blow over his head by means of iron rod.

06. The learned counsel for the applicant has submitted that the applicant is entitled to bail on the ground of parity. In this regard, he has filed copies of bail orders dated 07.01.2026 and 19.12.2025 in Bail Application No. 2405/2025 and Anticipatory Bail Application No. 2123/2025. On perusal of order dated 07.01.2026, it appears that the Hon'ble High Court granted bail to accused Aakash Wanjare on noticing that there was gap of almost one month in recording the statements of witnesses Somnath and Amol, who disclosed the role of accused Aakash Wanjare. In the case in hand, the FIR itself discloses the role of present applicant in the commission of crime and therefore, this order is not helpful to the applicant.

07. On perusal of order dated 19.12.2025, it appears that the Hon'ble High Court granted anticipatory bail to accused Waman Ramrao Sathe. In the present case, the applicant is claiming regular bail. The parameters of anticipatory bail and regular bail are totally

different. The Hon'ble High Court in paragraph No.7 of the order has observed as under :

“..... These observations are, however, *prima facie* in nature and are made solely for the purpose of deciding the present application, and shall not influence the trial Court.....”

In view of the above observations, the applicant is not entitled to bail on the ground of parity particularly when the FIR itself discloses his active participation in the crime.

08. Looking to the active participation of applicant in the crime and considering the gravity of offence and severity of punishment and the possibility of tampering with prosecution witnesses, I am not inclined to grant bail to the applicant, though the investigation is over. I, therefore, proceed to pass following order:-

ORDER

Application Exh.1 is hereby rejected.

Dated : 18.03.2026

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