

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

MHAU170001872026



**Criminal Bail Application No. 44
of 2026
Vaibhav Bhagchand Bhogade Vs.
The State of Maharashtra.
Crime No. 639 of 2025, Offence
U/sec. 103(1),189(2),190,191(2), 45,
51 of BNS. Police Station Bidkin,
Tq. Paithan, Dist. Chhatrapati
Sambhajnagar.**

ORDER BELOW EXH.01

1. This is second application under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail by applicant Vaibhav Bhagchand Bhogade.
2. 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.
3. The informant has strongly opposed the application by filing his reply vide Exh.7.
4. Heard the learned counsel for the applicant and learned APP for the State. Perused the application, reply, charge-sheet and

written notes of argument submitted on behalf of applicant and the informant. This being the second application of applicant, he is required to show that there is change in circumstance entitling him to bail. In this regard, it is the submission of learned counsel for the applicant that since the Investigating Officer has filed charge-sheet, there is change in circumstance entitling applicant to bail. I am not convinced with this submission simply for the reason that filing of charge sheet does not in any manner lessen the offence, on the contrary, filing of the charge sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons.

5. 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 displayed his banner of birthday in front of the banner of Rutwik Dharme on the say of co-accused Waman Ramrao Sathe and Aakash 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 recorded in mobile. In the said

recording, Chiman Jadhav 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 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, 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, 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.

6. It is the submission of learned counsel for applicant that the applicant has been falsely implicated in the present crime and therefore, the applicant deserves to be released on bail. As per the Investigating Officer, the CCTV footage discloses the presence of applicant with steel rod in an unlawful assembly. Not only this, the alleged steel rod has also been recovered at the instance of the applicant as per the provision of Section 23 of BSA. There is material on record to support the contention of the Investigating Officer. The participation of applicant with steel rod in an unlawful assembly *prima-facie* indicates that he shared common object with co-accused persons to kill deceased Tanmay Chormare. Therefore, I am not convinced with the submission of learned counsel for applicant.

7. 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.

8. 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. Therefore, I am not convinced with the submission of learned counsel for the applicant that applicant is entitled to bail on the ground of parity.

9. 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. Section 190 of BNS provides that every member of an unlawful assembly is guilty of offence committed in prosecution of common object. 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 completed. I, therefore, proceed to pass following order.

ORDER

Application is hereby rejected.

Dated : 27.03.2026

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