

ORDER BELOW EXH. 7 IN SESSIONS CASE NO.29/2025.

(CNR No. MHOS050009522025)

The applicant namely Akash Shankar Tikambare has filed this application under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. The applicant has allegedly committed offence u/s. 103(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 registered in Police Station Murum.

2. Learned advocate for the applicant submitted that the applicant has been falsely implicated in serious offence of murder on the basis of suspicion. The police papers shows that deceased Shamshoddin Miyasaheb Patel met with an accidental death. There is no either direct or circumstantial evidence on record to connect the applicants with alleged homicidal death of the deceased. The investigation is completed and the charge-sheet is filed. Accused No.1 had filed bail application before the Hon'ble High Court bench at Aurangabad. It was withdrawn by the accused as the Hon'ble High Court was not inclined to grant bail to him. The applicant has not filed bail application before the Hon'ble High Court. This Court has rejected previous bail application No. 129/2025 as per order dated 17.10.2025. Although this Court has observed that the applicant was also involved in this crime but on perusal of statement of the witnesses, name of the present applicant is not mentioned by any of the witnesses. The applicant was not seen by anybody. No identification parade was carried out by the police. Therefore, the successive bail application is maintainable.

3. Learned APP relying on say filed by the Investigating Officer, strongly objected the bail application. She submitted that on perusal of the panchanama of the spot of incident, statements of the

witnesses and circumstances on the spot of incident clearly indicates that the accused persons were accompanying the deceased and they have committed murder of the deceased by beating him with sticks and stones. The accused have committed serious non bailable offence. Accused No.1 had recorded the video in his mobile phone while the applicant was beating the deceased. Later on he deleted the said video recording from his mobile phone. The mobile phone has been sent to the Forensic Lab at Chhatrapati Sambhajnagar to retrieve the deleted video. The report is yet awaited. The accused, if released on bail, will certainly pressurize the prosecution witnesses and tamper with the prosecution evidence. In such a circumstances the bail application may be rejected.

4. In this case the charge-sheet is filed against the applicant. This Court has rejected earlier bail application No. 129/2025 filed by the applicant and accused No.1 by order dated 17.10.2025. The witnesses Shantanu and Shubham Anil Kamble are managing Pratiksha Beer Bar at Murum. During the course of the investigation, on 20.05.2025, their statements were came to be recorded by the Investigating Officer. They had seen the deceased and two unknown youths drinking liquor in the Bar. Accused No.1 Dnyaneshwar Bhole paid the bill on PhonePe and they left with the deceased in Bolero Jeep. Admittedly, both the witnesses who had last seen the deceased along with accused No.1, did not state name of the applicant. However, on 22.05.2025 their supplementary statements were came to be recorded, at that time the photograph of the applicant and accused No.1 were shown to them. They identified the applicant and the accused No.1 as the youths who were drinking liquor in their Beer Bar and the deceased left along with them in Bolero Jeep.

5. Earlier bail application of the applicant has come to be rejected by this Court. The mobile phone of accused No.1 has been sent to the Forensic Lab at Chhatrapati Sambhajinagar, for examination. In the said mobile phone the incident of alleged murder of the deceased was came to be recorded by accused No.1. The charge is also framed against accused No.1 and the applicant. The applicant has failed to bring on record change in circumstances from the date of rejection of previous bail application till filing of the present bail application.

6. In view of above observations, the applicant is not entitled to be released on bail. Hence, the order -

ORDER

1. The bail application is rejected.
2. Copy of the bail order be sent to the concerned Prison authority through E-mail immediately.

Dated :- 02.03.2026

(Mangesh R. Deshpande)
Additional Sessions Judge, Omerga.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are the same, word to word, as per the original Judgment/order.

Name of Stenographer	:	Shriram Hanmantrao Kale, Stenographer (Grade-I)
Court	:	Additional Sessions Court, Omerga.
Date	:	02.03.2026
Order signed by the Presiding Officer on	:	02.03.2026
Order uploaded on	:	02.03.2026