



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO. 628 OF 2025

**BABAR JABBAR PATHAN
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Shaikh Joyeb I., Mudassir H. Shaikh, Advocate for Applicant
Mr. D. J. Patil, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 22.08.2025

PER COURT :-

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.1069 of 2024 registered with the Shrirampur City Police Station, Dist. Ahmednagar, for the offences punishable under Sections 103, 126, 324 (4), 352, 3(5), 189(2), 191(2)(3), 190 of the Bhartiya Nyaya Sanhita, 2023. His application bearing criminal bail application No.61 of 2025 with similar prayer came to be rejected by the learned Additional Sessions Judge, Shrirampur, vide order dated 18.03.2025.

2. The report has been lodged on allegations involving Kamlesh Pawar and Yogesh Jagdhane, who are childhood friends of the informant. All of them are addicted to the liquor. On 05.11.2024, at about 08.00 P.M., the informant, Kamlesh, Yogesh and Kamlesh's friend Akash were consuming liquor at Central Bar. During that time,

Kamlesh received a phone call from Tamya Adagale. They were abusing each other on phone call. After the end of conversation, Kamlesh rejoined the group and continued drinking. Later, when they desired to consume more alcohol, they purchased liquor from a shop below the Central Bar and went to Akash's house to continue drinking. At Akash's residence, Kamlesh again received a call from Tamya and again they started abusing each other. At about 12.30 A.M., they went out again to purchase more alcohol. Meanwhile, Kamlesh asked informant to take motorcycle from the backside of the Salunke building. When they reached there, Tamya along with two persons came in front of their motorcycle and Tamya said loudly, "*Kon Kamlya he kya*" to which Kamlesh responded "*Ha tera baap Kamlesh he.*" At that moment, Tamya took out an iron rod and struck the headlight of their motorcycle. He then attempted to assault both Kamlesh and the informant. In self defense, they threw stones on their person. Subsequently, Tamya picked up the iron rod again and chessed Kamlesh. At that time, the informant saw that one of the persons accompanying Tamya was holding a sharp knife. Tamnya and his two friends then attacked kamlesh with iron rods and knives. Seeing the situation, the informant ran away from there and went to Akash's house, where he narrated the incident to Akash and Yogesh Jagdhane. When they returned to the spot of incident, they found Kamlesh lying dead. Thereafter, the informant lodged the report.

3. The learned counsel for the applicant submitted that the applicant's name does not appear in the First Information Report. No any weapon was recovered from the spot of the incident. The applicant has been falsely implicated in the crime. None of the witnesses stated the applicant's involvement. He further submitted that the applicant has roots in society and has no prior criminal antecedents. The investigation is complete and there is no possibility of the tampering with evidence or pressurizing prosecution witnesses. It is lastly prayed to grant bail.

4. The learned APP strongly opposed the application, submitting that the applicant is involved in a serious offence of murder, punishable with life imprisonment. The post-mortem report of Kamlesh indicates multiple injuries. He further submitted that the applicant's clothes have been seized in connection with the crime. Considering serious nature of offence, application be rejected.

5. Perused the charge sheet, particularly statements of the witnesses and the post-mortem report. The name of the applicant is not stated either in the FIR or statements of witnesses. Except the seizure of the applicant's shirt, no weapon has been recovered. The Applicant has no criminal antecedent. Considering all these aspects, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I The application is allowed.
- II The applicant in connection with Crime No.1069 of 2024 registered with the Shrirampur City Police Station, Dist. Ahmednagar, for the offences punishable under Sections 103, 126, 324 (4), 352, 3(5), 189(2), 191(2)(3), 190 of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions.
- III The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- IV The applicant, except on the dates fixed for hearing of the trial, he shall not enter in Shrirampur City till the decision of the Sessions case.

[SANJAY A. DESHMUKH, J.]

HRJadhav