



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 BAIL APPLICATION NO. 1342 OF 2025

Hritik @ Chotu Vijay Chavan,
Age : 19 years, Occupation : Student,
R/o.: Behind Sai Mandir,
Pahadsingpura, Aurangabad.

... applicant

Versus

The State of Maharashtra,
Through Incharge Police Station
Officer, Begumpura Police Station,
Aurangabad.

... Respondent

...
Dr. Anagha N. Pedgaonkar, Advocate for applicant
Mr. N. B. Patil, APP for Respondent-State.

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20 AUGUST, 2025

P.C.:-

1. Heard Dr. Anagha Pedgaonkar, learned Advocate for the applicant and Mr. N. B. Patil, learned APP for Respondent-State.
2. This is an application for grant of regular bail in connection with C.R. No.258 of 2024 dated 15th October 2024, registered with Begumpura Police Station, Aurangabad, for the offences punishable under Sections 103(1), 189(2), 190, 191(3), 49, 351(2) and 352 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).
3. Learned Advocate for the applicant pointed out the report lodged by the Informant-father of the deceased-Sumit. It is averred in

the report that approximately one and a half months prior to the incident in question, while the Informant's son, Sumit, was playing cricket at Ghati Quarters, the applicant-Hrithik and other co-accused quarreled with him and physically assaulted him. He sustained injuries, therefore, a report was lodged in relation to that incident and the applicant and other accused were arrested and prosecuted. That case is pending.

4. The Informant further stated that on 13th October 2024, between 4:30 p.m. and 5:00 p.m., the applicant's mother-Poonam Vijay Chavan, along with some other persons, went to the spot of incident. They were searching for the Sumit, Pratik Santosh Wadekar and Vishal Chavaria. They hurled filthy abuses and gave threats to Sumit to kill. It is also alleged that Poonam Chavan instigated these persons by saying that "Kill them all; I will rescue you."

5. On 14th October 2024, at about 11:00 p.m., the Informant inquired with his son Ritesh regarding the whereabouts of Sumit (deceased) and directed him to search him. While searching Ritesh along with his companion Rajesh Kakade, was near the bank of Kham River, when the applicant (Hrithik) along with Adi Jaiveer Tak, Jitu Tak, Rishi Chavan, and Janu Chavan arrived. These co-accused and applicant surrounded Sumit, dragged him, and said, "*Take him with us*". When Ritesh and Rajesh objected, the accused threatened them

and stated that “*Tera bahot ho gaya, tune hamare khilaf police station mein complaint kyu diya*”? The co-accused and an armed with wooden sticks, knives, and machetes, forcibly dragged Sumit into the lane of Blooming Buds School. There, the applicant Hritik and co-accused Adi Jaiveer Tak assaulted Sumit with a knife on his chest, neck, and back. When the Informant reached the spot of incident, he saw that Sumit is lying in a pool of blood having grievous injuries. By then, the applicant and co-accused had fled away. Sumit was carried on a motorcycle immediately and admitted to Ghati Hospital. After examination, the Doctors declared that Sumit is dead. The Informant lodged the report.

6. Learned Advocate for the applicant submits that the applicant is falsely implicated in the present crime. The applicant is a 19 year old student pursuing his college education. He is a young boy with no criminal antecedents. It is submitted that if he is released on bail, he will abide all the conditions that may be imposed by this Court. He shall not abscond or tamper with the prosecution evidence and pressurise the witnesses. It is further submitted that one of the co-accused has been released on bail as he is found to be a juvenile in conflict with law. Moreover, the mother of this applicant i.e. Accused No.6-Punamdevi Vijay Chavan has already been enlarged on bail by an order of learned Principal District Judge, Aurangabad. On the basis of parity, the applicant also deserves to be released on bail. It is lastly prayed to grant the bail.

7. Learned APP for the Respondent–State strongly opposed the present bail application. It is submitted that the applicant is involved in a serious crime of murder. Learned APP pointed out that in Criminal Case No.219 of 2024, the applicant had earlier been released on bail. Taking undue advantage of that liberty, the applicant has once again indulged in criminal activity and has committed the murder of Sumit. It is further submitted that the weapon of offence, viz. the knife, has been recovered at the instance of the applicant during investigation. The applicant has criminal antecedents and there is a reasonable apprehension that if he is released on bail, he will misuse the liberty, pressurize the prosecution witnesses, and tamper with the evidence. Possibility of commission of same nature of crime also cannot be ruled out. It is lastly prayed to reject the application.

8. Perused the charge-sheet, particularly the report and the statements of material witnesses, if prima facie show the involvement of the applicant having prime role for the commission of murder of Sumit. It is to be noted that the knife alleged to have been used in the commission of the crime has been seized at the instance of this applicant. Though there is CCTV footage, the same does not clearly show the image of the applicant or other co-accused. However, there is direct evidence against the applicant coupled with a strong motive attributed to him for the murder of Sumit as there was earlier enmity and crime was registered against the applicant for assaulting Sumit.

Considering the antecedents of the applicant and the fact that he was earlier released on bail and misused liberty granted to him in that criminal case in which he assaulted Sumit earlier, the possibility of misusing the liberty again and pressuring the prosecution witnesses and tampering with the prosecution evidence cannot be ruled out. Thus exception is made act to the cardinal principle of jurisprudence of bail that bail is rule and jail is exception against the applicant. He is therefore not entitled for bail.

9. In view of the aforesaid reasons, the application stands rejected.

(SANJAY A. DESHMUKH, J.)