

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 438 OF 2025

Atharva @ Bablu Vijay Waidande	...Applicant
Versus	
State of Maharashtra	...Respondent

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Mr. Satyavrat Joshi a/w Mr. Samay Pawar a/w Mr. Yash Fadtare, for Applicant.

Mr. S. S. Chaudhari, APP for the Respondent-State.

Mr. S. Kumbhar (P.I.), EOW, Sangli City Police station, present.

CORAM	:	SHIVKUMAR DIGE, J.
DATE	:	5 th DECEMBER 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.535 of 2023 registered with Sangli City Police Station, District Sangli for the offences punishable under Sections 302, 307, 364, 143, 147, 148, 149, & 506 r/w Section 34 Indian Penal Code, 1860 (for short "IPC").

2. It is prosecution's case that on 14th October 2023 at around 4:00 p.m., the applicant, co-accused and one unknown person assaulted the first informant with wooden rod, iron rod and knife on the ground that the deceased was harassing the daughter of co-accused and murdered him.

3. It is contention of learned counsel for applicant that the applicant is behind bar for more than two years. The co-accused Yuvraj, who had motive to commit the crime has been released on bail. Hence, the applicant is entitled for bail on the ground of parity. There is no substantial progress in the trial. Hence, requested to allow the application.

4. It is contention of learned APP that the incident is captured in C.C.T.V. footage. In the said C.C.T.V. footage, the applicant was seen assaulting the deceased. The co-accused Yuvraj, who has been released on bail was not seen in C.C.T.V. footage. On that ground, he has been released on bail but there are specific allegations of assault to deceased against the applicant. Hence, the applicant is not entitled for bail on the ground of parity. Learned APP further submitted that in oral dying declaration of the deceased, he has specifically taken the name of the applicant. There are witnesses to the incident. They have stated about role played by the applicant. There is progress in trial. Four witnesses have been examined. The applicant has two antecedents. Blood stained clothes are recovered at the instance of applicant. If applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. It is contention of the learned counsel for the Applicant that some of the witnesses have not identified the applicant in Test Identification Parade.

6. I have heard both the learned counsels, perused the FIR and documents placed on record. The entire incident is captured in C.C.T.V. footage which shows that the applicant assaulted the deceased with other co-accused. There is direct evidence against the applicant. Moreover, in oral dying declaration, the deceased has stated that the applicant along with co-accused assaulted him. There is progress in trial. Four prosecution witnesses have been examined. Blood stained clothes are recovered at the instance of applicant. There is progress in trial and if applicant is released on bail, he may abscond or threaten the prosecution witnesses. The role attributed to the co-accused Yuvraj who has been released on bail and the present applicant are different. Hence, the applicant is not entitled for bail on the ground of parity.

7. In view of the above, I pass the following order :

ORDER

Criminal Bail Application is rejected.

(SHIVKUMAR DIGE, J.)