

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1193 OF 2024

Himmat Madhukar Mohite ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Satyavrat P. Joshi a/w Mr. Yash G. Fadtare i/b Ms. Disha Rathod,
learned Advocate for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

PN-1914 Mr. Eknath Vilas Bhat attached to Kundal Police Station, Sangli
is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th JUNE 2025.

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant and Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 92 of 2021 registered with Kundal Police Station, Sangli for the offence punishable under Sections 302, 307, 326, 324, 323, 143, 144, 148, 149, 504 and 506 of the Indian Penal Code, 1860 ("**IPC**" for short) and under Sections 4 and 25 of the Indian Arms Act.

3. There are 11 accused in the abovesaid crime.

4. Case of the prosecution is that the Applicant alongwith other 10 accused are involved in an assault on three victims, which resulted due to some previous enmity and verbal altercation between them. Said three victims succumbed to the injuries, which were inflicted by use of knife, sickle, iron rod and other weapons. As per the records, the Applicant is said to have assaulted the victims (Sunny and Arvind) by use of knife on vital parts of the body. There are eye witnesses, who have narrated the crime committed by the accused involved in the present offence.

5. Criminal Bail Application filed by the Applicant was rejected by the learned Additional Sessions Judge, Sangli, by order dated 16th September 2023.

6. Mr. Satyavrat Joshi, learned Advocate for the Applicant submits that the Applicant, who is Accused No. 9, has been in custody since 6th August 2021 and therefore, this would be a case of long incarceration. He submits that though there are eye witnesses, their statements are unreliable and there is inconsistency in the said statements. He submits that the Applicant does not have any criminal antecedents.

7. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent submits that the present crime is a pre-planned murder. He submits that it is a case of triple murder. He submits that the assault on all the deceased was by way of deadly weapons like knife, sickle, iron rods, etc. He submits that the twelve eye witnesses have specifically named the Applicant to be present at

site and further have given the details of how the assault was committed by the Applicant on the deceased Sunny and Arvind. He submits that one eye witness Swapnil Arvind Sathe has been examined in the case and that the trial is proceeding. He points out that the said eye witness Swapnil Arvind Sathe has named the Applicant in his statement before the Court, who further has given in detail the manner in which the deceased were assaulted by the Applicant. He opposes the bail.

8. I have perused the records with the able assistance of learned Advocates of respective parties.

9. From the records, the Applicant is alleged to have assaulted Sunny and Arvind (both deceased by way of deadly weapons, i.e., knife). Injuries are on vital parts of the body. The eye witnesses in the present crime have named the Applicant and have assigned a specific role to the Applicant, i.e., of assault on the deceased by dangerous weapons. *Prima facie* material on record indicates the involvement of Applicant in the crime/offences, which are of serious in nature. The trial has commenced and even one eye witness is said to have been examined, who has maintained his statement and implicated the Applicant in the crime.

10. In view of the above, this is not a case for grant of bail. Hence, Criminal Bail Application No. 1193 of 2024 is dismissed.

[ASHWIN D. BHOBE, J.]