

Nikita

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

BAIL APPLICATION NO.2182 OF 2025

Prathamesh Balaso Deshmukh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Saumitra Salunke a/w Ms. Swapnali Chavan i/b
Mr. Pradeep Jadhav for the Applicant.

Mr. Tanveer Khan, APP for the State.

Mr. P. K. Bankar, A.S.I. Umbraj Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10th JUNE, 2025

P.C.:

1. Heard Mr. Saumitra Salunke, learned Advocate for the Applicant. Mr. Tanveer Khan, learned APP for the State.
2. The Applicant is seeking bail in connection with C. R. No.163 of 2025, registered with Umbraj Police Station for the offences punishable under Section 115(2), 118(2), 3(5), and 109 of the Bharatiya Nyaya Sanhita, 2023.
3. Case of the prosecution is that the family member of the Applicant had borrowed the loan from the finance Institution, to which the victim had stood as a guarantor. On account of the default committed by the family member of the Applicant, the Bank Officials had visited the residence of the victim for recovery

of the loan. The victim had, therefore, been to the residence of the Applicant. Arguments resulted, in an altercation and the victim being assaulted at the hands of the Applicant along with two of his family members.

4. Applicant was arrested on 28.03.2025 along with the two other accused namely the brother and mother of the Applicant.

5. Bail Application No.135 of 2025, filed jointly by the Applicant his brother and mother was partly allowed, by rejecting the bail qua the Applicant and granting the bail in respect of the mother and brother of the Applicant.

6. Mr. Saumitra Salunke learned Advocate for the Applicant submits that the Applicant is a 19 years old college student. He states that the examination of the Applicant is scheduled from 11.06.2025. He submits that the alleged incident was out of a spur of the moment and there was no intention of assaulting or causing injury to any person. She submits that the injury caused to the victim out of the alleged offence are not life threatening, which is evident from the fact that the victim was discharged from hospital on 31.03.2025, i.e. within four days from the date of the incident. He submits that the Applicant is in jail since 28.03.2025 and has suffered sufficiently. He submits that the entire career of the Applicant is at stake. He submits that the Applicant has no criminal antecedents.

7. Mr. Tanveer Khan, learned APP for the State submits that the injuries caused to the victim are grievous in nature. He submits that it is the Applicant who had assaulted the victim on vital part

of the victim and, therefore, had intention to kill the victim. He submits that the weapon used in the crime has been recovered from the Applicant. The learned APP fairly submits that the victim was discharged from hospital within four days and the Applicant does not have any criminal antecedents.

8. I have perused the records placed before me, with the able assistance of the learned Advocates for the parties.

9. Considering the nature of allegations, it *prima facie* appears that the incident alleged was out of the spur of the moment. The other two accused who are involved in the crime, have been released on bail by order dated 19.04.2025. The Applicant was in police custody for three days, and thereafter, sent to judicial custody. Recoveries have been made from the Applicant.

10. The Applicant a college student whose exams are scheduled with effect from 11.06.2025, would be deprived of his education, if his custody is continued.

11. Considering the nature of the offence, and the circumstance in which the alleged offence is committed, I find these being a fit case for grant of bail subject to the following conditions.

a) Applicant is directed to be released on bail in connection with C. R. No.163 of 2025, registered with Umbraj Police Station for the offences punishable under Section 115(2), 118(2), 3(5), and 109 of the Bharatiya Nyaya Sanhita, 2023 on his furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge

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b) Applicant shall report to the Investigation officer Umbraj, Police Station as and when required by the Investigation officer Umbraj Police Station.

c) Applicant shall not interfere or influence any of the witnesses or tamper with the Evidence.

12. The parties shall act on the digitally signed copy of this order, signed by the PA/PS/Sr. PS of this Court.

13. The Bail Application is disposed off.

(ASHWIN D. BHOBE. J.)