

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3101 OF 2025

Vijay @ Sonya Jalinder Dhulugade

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr. Ramnik P. Pawar, Mr. Amit Waykool, Mr. Parvez Nadaf, Mr. Dinesh S. Sonarlikar for Applicant.

Dr. A. A. Takalkar APP for the State.

ASI, A. S. Autade, Islampur Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th NOVEMBER, 2025.

P.C.

1. The applicant is seeking regular bail in Crime No. 035 of 2025 registered with Islampur Police Station, Dist- Sangli for the offence punishable under Sections 103 read with section 3 and 25 of the of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS Act").

2. It is prosecution's case that on 27th January, 2025 at around 10.30 p.m. the applicant and co-accused assaulted the son of the first informant with knife. In the said assault, the deceased has died. It is alleged that at the time of incident, the applicant and co-accused

caught hold the hands of the deceased and the co-accused Sourabh Patil, inflicted knife injuries in the stomach and back of the deceased.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The Applicant has not inflicted knife blows in the stomach of the deceased. He was not present on the spot of incident. There was no motive to the applicant to kill the deceased. There was no instigation by the applicant. Hence, requested to allow the application.

4. It is contention of learned APP that the incident is happened in the presence of eye witness Pratik Kamatgi. The applicant had common intention with co-accused to kill the deceased. If the applicant released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. It appears from the statement of eye witness Pratik Kamatgi in who's presence incident occurred that the applicant had caught hold the hands of the deceased and the co-accused inflicted knife injuries in the stomach and back of the deceased. It shows active involvement of the applicant in crime.

7. Yet applicant is behind bar only for ten months. Learned

counsel for the applicant relied on order of this Court in the case of **Sachin Jadhav vs. State of Maharashtra**¹. The facts of the cited case is in respect of the instigation by the accused. In the present case, the applicant had caught hold the hands of the deceased and the co-accused inflicted knife blows in his stomach and back side. It shows common intention and active involvement of the applicant in the present crime. There is direct evidence against the applicant and I pass following order:

ORDER

The Application is rejected.

(SHIVKUMAR DIGE, J.)

1. Cri. Bail Appl. No.3611 of 2024 dt. 10th October, 2024.