

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3433 OF 2025

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1. Amar Suresh Khot	
2. Umesh Ravindra Patil	
3. Rushikesh Dhanaji Todakar	...Applicants
Versus	
The State Of Maharashtra	...Respondent

Mr. Mohan Yadav & Daulatrao Inamdar Advocate for the Applicant.
Mr. S. S. Chaudhari, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 15th DECEMBER, 2025

P.C.

1. Heard learned counsel for the applicants and learned APP for the respondent State.
2. Learned counsel for the applicants, on instructions, seeks leave to withdraw this application on behalf of applicant no. 1 with liberty to file fresh bail application after four months.
3. Considering the submission of learned counsel for the applicants, application is allowed to be withdrawn on behalf of applicant no. 1 with aforesaid liberty.

4. By this application, applicant nos. 2 and 3 are seeking regular bail in Crime No.290 of 2025 registered with Karad Taluka Police Station, Dist-Satara for the offences punishable under Sections 103(1), 140(1), 119, 189(2), 189(4), 190, 191(1) and 191(3) of Bharatiya Nyay Sanhita, 2023.

5. It is prosecution's case that applicants and co-accused assaulted the deceased with iron rod, wooden rod and PVC pipe on the ground that the deceased had love affair with the sister of co-accused Rakesh Patil. Due to said assault, the deceased sustained grievous injuries and died while taking treatment.

6. It is the contention of learned counsel for the applicants that the applicants were not present at the time of incident. They have been falsely implicated in this case. The allegations against the applicant Umesh Patil are that he assaulted the deceased with branch of coconut tree and the allegations against the applicant Rushikesh Todakar are that he assaulted the deceased with PVC pipe. The applicants are behind bar more than 7 months. Learned counsel further submits that there is no eye witness to the incident. The FIR was lodged on the basis of oral dying declaration of the deceased. The deceased was admitted in the hospital. The cause of death of the deceased is due to heart attack. Hence, applicants cannot be

considered as responsible for the said death. Hence, requested to allow the application.

7. It is contention of learned APP that applicants and co-accused assaulted the deceased mercilessly. Several injuries found on the body of the deceased. Deceased himself had stated about the role of each of the accused including the applicants. The blood stained cloths are recovered at the instance of the applicants and the mobile phone and motorcycle of the deceased are recovered at the instance of applicant no.2. If the applicants released on bail they may threaten the prosecution witnesses and the first informant. Hence, requested to reject the application.

8. I have heard both learned counsel, perused the FIR and documents produced on record.

9. The FIR was lodged by the brother of the deceased. He has stated that the deceased was brought to his house by the applicants co-accused in injured condition. Thereafter this witness took his injured brother to police station, but police advised him to take him to the hospital. While taking treatment, the deceased died. The role attributed to the applicant no. 2 is that he assaulted the deceased with branch of coconut tree and against applicant no. 3 that he assaulted the deceased with PVC pipe and iron spanner. Postmortem

report shows cause of death is heart attack. Whether death of the deceased is caused due to assault by the applicants or not, is part of trial. The applicants are behind bar more than 7 months. Investigation is completed. Charge-sheet has been filed. It may take time to conclude the trial. Applicants have no antecedents. Considering these facts, I pass following order:

ORDER

- I. The applicant Nos. 2 and 3 be enlarged on bail in Crime No.290 of 2025 registered with Karad Taluka Police Station, Dist-Satara on executing P.R.Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount.
 - II. The applicants shall attend the Court dates regularly.
 - III. The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
10. The application is allowed in the aforesaid terms and is accordingly disposed off.
11. It is made clear that the above observations are made only for

the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

12. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)