

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3496 OF 2025**

Rajesh Shankar Madanawale ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr. Piyush M. Thobde a/w Mr. Darshan Singh Rajpurohit, Advocate
for the Applicant.

Dr. A. A. Takalkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th NOVEMBER, 2025.

P.C.

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.11.28
15:23:41
+0530

1. By this application, applicant is seeking regular bail in C.R. No. 430/2024 registered with Vijapur Naka Police Station, District Solapur for offences punishable under Sections 109, 115(2), 352, 351(2), 103(1), 3(5), 189(2), 191(3), 191(2) of Bhartiya Nyay Sanhita, 2023.

2. It is the prosecution's case that on 23rd September 2024 around 2.30 p.m., applicant and co-accused assaulted the first informant with cement block on his head and murdered him.

3. It is contention of learned counsel for applicant that applicant is behind bar for more than one year. The main allegations are against accused no. 1 that he assaulted the deceased with sped on his head and chest. Due to the said assault, deceased fell down in

unconscious condition and thereafter, applicant and co-accused assaulted the deceased on his head with cement block. Learned counsel further submitted that as deceased was already assaulted by accused no. 1 with sped on his head and chest, it is not certain whether the deceased died due to assault by the applicant. Applicant is behind bar for more than one year. The applicant has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP that applicant and accused no. 1 assaulted the deceased with cement block on his head. There are eye witnesses who had seen the applicant assaulting the deceased. if applicant is released on bail, he may abscond or 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. It appears from the F.I.R. that accused no. 1 assaulted the deceased with sped on his head and chest. Due to the said assault, deceased fell on ground in unconscious condition and at that time, applicant and co-accused assaulted on the head of the deceased with cement block. The main role of assault is attributed to accused no. 1. Applicant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed. There is no progress in trial. The applicant has no antecedents.

6. Considering these facts, I pass following order:

ORDER

I. The Application is allowed.

II. The Applicant be enlarged on bail in C.R. No. 430/2024 registered with Vijapur Naka Police Station, District Solapur on executing P.R.Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

III. The Applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

IV. The Applicant shall attend the Trial Court dates, regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. 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.

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

(SHIVKUMAR DIGE, J.)