

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4519 OF 2024

Chaitanya Kanchan Kamble ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ganesh Gupta a/w Mr. Surya Prakash Gupta, Ms. Roshini Naaz, Mr. Sahil Ghorpade, Mr. Madan Khansole and Ms. Priyanka Rathod i/b GG Legal Associate, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

HC-325 Mr. P. P. Gaikwad attached to Madha Police Station, Solapur Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd JULY 2025.

P.C. :

1. Heard Mr. Ganesh Gupta, learned Advocate for the Applicant and Mr. Tanveer Khan, 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. 173 of 2023 registered with Madha Police Station, District-Solapur for the offences punishable under Sections 307, 120(B), 323 and 504 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Ganesh Gupta, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No.

256 of 2023 and is pending on the file of learned Additional Sessions Judge, Barshi.

4. There are 6 accused persons in the present crime. Applicant is Accused No. 1.

5. Case of the prosecution is that Sakshi Mahendra Shah (Accused No. 6) had a love affair with Chaitanya Kanchan Kamble (Accused No. 1). Mahendra Shah (deceased), father of Accused No. 6 was opposing the said relation, as such Accused No. 6 alongwith the other accused planned to cause physical harm to Mahendra Shah. In furtherance of the said object, Mahendra Shah was assaulted on 7th August 2023. Mahendra Shah suffered injuries in the said assault. He expired on 8th January 2025.

6. Initially the offence was registered under Section 307 of the IPC, however in view of the death of Mahendra Shah, Section 302 of the IPC was added to the said crime.

7. Applicant was arrested on 8th August 2023 and since then he is in jail. Criminal Bail Application No. 931 of 2023 filed in Sessions Case No. 256 of 2023 was rejected by the learned Additional Sessions Judge, Barshi on 11th January 2024.

8. Mr. Ganesh Gupta, learned Advocate submits that the Applicant had no intention to cause harm, much less any intention to cause death of Mahendra Shah. He submits that the Applicant was not even present on the day of incident. He submits that the Applicant is not involved in causing injury or harm to the deceased, Mahendra Shah. He submits that the Applicant is 29 years old and

does not have any criminal antecedents. He submits that the Applicant is in jail for almost 23 months from the date of his arrest. He submits that charge is not framed in the Sessions Case No. 256 of 2023.

9. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the assault on Mahendra Shah was pre-planned attack and the Applicant is the conspirator. He submits that the attack on Mahendra Shah was planned in view of his objection to the relationship of the Applicant and Accused No. 6. He submits that Mahendra Shah suffered grievous injuries out of the said assault.

10. I have perused the records with the assistance of learned Advocates of the parties.

11. Perusal of the charge-sheet reveals that Mahendra Shah was assaulted on 7th August 2023 by use of wooden rod and fiber rod. Mahendra Shah expired on 8th January 2025, i.e. almost 16 months from the date of assault. Cause of death of Mahendra Shah as per the Medical Report is 'septic shock'. Prosecution will have to prove and establish that the death of Mahendra Shah is a result of assault, as alleged in the crime. Applicant is not assigned any role of assaulting Mahendra Shah. Applicant was not present at the scene of offence on the day of incident. Till date charge is not framed in Sessions Case No. 256 of 2023.

12. Considering the nature of allegations and the role assigned to Applicant, incarceration of the Applicant till conclusion of trial is not warranted. Applicant is therefore entitled for bail.

13. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 173 of 2023 registered with Madha Police Station, District-Solapur for the offences punishable under Sections 307, 120(B), 323 and 504 read with 34 of the IPC on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Barshi.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Madha Police Station, District-Solapur and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial in Sessions Case No. 256 of 2023 and shall attend the

hearing before the Court of the Additional Sessions Judge, Barshi on each and every date, unless exempted from appearance.

14. Criminal Bail Application No. 4519 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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