

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

**Criminal Bail Application No.658 of 2024**

Shantanu Dhananjay Deshmukh

Age : 22 yrs, Occ: Student,

R/o Plot No.4-5, Anandkunj

Apts, Opp Budhya Halwai shop,

Old Gangapur Naka, Nashik.

(at present in Nashik Central jail)

... Applicant.

Vs.

1. The State of Maharashtra

(through Gangapur Police Station,

Nashik city, Dist-Nashik.

(copy to be served on Public Prosecutor,

High Court, Mumbai)

2. Ratan Nanaji Khaire

R/o Shubham Park, Kamteewadi,

Nashik.

... Respondents.

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Mr Shekhar Ingawale i/by Smita Gaidhani for applicant.

Ms Lisa Das i/by Jay & Co. for respondent No.2/intervenor.

Mr PP Jadhav, APP for the respondent / State.

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**Coram : R.N.Laddha, J.**

**Date : 28 November 2025.**

**P.C. :**

Leave to amend to add the first informant as a party respondent to this bail application. Amendment shall be carried out forthwith. The learned Counsel Ms Lisa Das

waives service of notice on behalf of the newly added respondent/informant.

2. By this application, the applicant seeks bail in connection with CR No.97 of 2022 registered at Gangapur Police Station, Nashik, for the offences punishable under Sections 302 read with 34 of the Indian Penal Code.

3. The instant prosecution emanates from the First Information Report (FIR) lodged by the informant, Ratan Nanaji Khaire, alleging the homicidal death of his son, Prathamesh Khaire. The gravamen of the FIR is that on 17 May 2022, the deceased had proceeded to attend a matrimonial ceremony at Sangamner, District-Ahmednagar, accompanied by his friend Nayan Sonawane and other acquaintances. On the same night, at about 11:00 p.m., Prathamesh was in telephonic contact with his mother, confirming his well-being at that time. On the following day, i.e. on 18 May 2022, the informant was informed by the deceased's friends Sahil Kathe, Gaurav Jagtap, and Amol Bhamare, that Prathamesh had returned to Nashik after attending the said marriage function. Subsequently, on 19 May 2022, the informant received a telephonic intimation

from the Gangapur Police Station, Nashik, apprising him that an unidentified male body had been discovered at Bendkule Mala, situated along the banks of the Godavari River in the Anandwali locality of Nashik. Upon reaching the spot, the informant identified the deceased as his son, Prathamesh, and observed multiple abraded injuries on his person. Initially, an Accidental Death Report (ADR) was registered. However, upon receipt of the Post-Mortem Report from the Civil Hospital, Nashik, it was revealed that the cause of death was attributable to a fatal injury. Thereafter, the informant came to be informed by Sahil Kathe and Nayan Sonawane that a live video had been streamed on the social media platform Instagram, depicting the deceased being physically assaulted by three persons namely, Sagar Chitalkar, Shubham Ugalmugale and Shantanu Deshmukh, on 18 May 2022. In light of the said revelations, and the incriminating material that surfaced, it was alleged that the death of the deceased was not accidental but was the result of a deliberate and premeditated assault.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that

the applicant has been falsely implicated in the present case. It is submitted that the FIR was lodged belatedly, i.e., two days after the alleged incident, and was based solely on information purportedly received from Sahil Kathe and Nayan Sonawane. However, it is pointed out that neither of these individuals, in their respective statements, has stated that they had informed the complainant about the incident prior to the lodging of the FIR.

5. It is further submitted that, as per the prosecution's own case, Nayan Sonawane, allegedly witnessed the assault by accused Nos.1 and 2 through a live video broadcast on Instagram at around 7:00 p.m. on 18 May 2022. However, subsequent to the alleged incident, the deceased was reportedly seen at a hotel between 8:00 p.m. to 9:00 p.m., and is stated to have telephonically contacted Nayan Sonwane and one Ajinkya Londhe. It is further submitted that, save for the allegation regarding the applicant's presence at the scene of the offence, no specific overt act has been attributed to him.

6. The learned Counsel submits that the video footage allegedly capturing the incident does not depict the

applicant participating in the assault. Furthermore, it is not the case of prosecution that the applicant had instigated or abetted the accused Nos.1 and 2 in perpetrating the assault. It is submitted that not a single witness has stated about the applicant's participation in the alleged assault. No incriminating material was recovered at the instance of the applicant. The clothes seized from the applicant were not found to be blood-stained. The vehicle allegedly used in the commission of the offence is admittedly owned by accused No.1. It is also pointed out that two co-accused have already been enlarged on bail by this Court. The applicant, a student aged about 22 years, has been languishing in jail, since 25 May 2022. It is further submitted that the applicant has no prior criminal antecedents.

7. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, and the learned Counsel for respondent No.2, jointly oppose the applicant's request for bail. They submit that the applicant, who is arraigned as accused No.3, in furtherance of a common intention and in connivance with accused Nos.1 and 2, participated in the brutal assault on the deceased, culminating in his death. The incident was not only

recorded but was also streamed live on the social media platform Instagram. It is further submitted that the offence is of a grave and serious nature and that the trial has already commenced.

8. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record. A perusal of the prosecution material reveals that no specific overt act has been attributed to the applicant. The only allegation against him is his purported presence at the scene of the offence. The video footage, which forms the cornerstone of the prosecution's case, does not depict the applicant participating in the alleged assault. Furthermore, there is no allegation that the applicant instigated or abetted the co-accused in committing the offence. No incriminating article has been recovered at the instance of the applicant. The clothes seized from him were not found to be blood-stained. The vehicle allegedly used in the commission of the offence is admittedly owned by accused No.1. These factors, taken cumulatively, do not *prima facie* indicate the applicant's involvement in the commission of the offence.

9. Furthermore, it is an admitted position that two co-accused have already been enlarged on bail by this Court. In the absence of any distinguishing material against the present applicant, the principle of parity would warrant similar treatment, particularly when the allegations against the applicant are not graver than those against the co-accused who have been granted bail. The applicant is a young student aged about 22 years, with no prior criminal antecedents, has been languishing in jail since 25 May 2022. The trial has only recently commenced and is likely to take considerable time for completion.

10. Considering the totality of the circumstances, especially in the absence of compelling material indicating the applicant's active involvement, this Court is of the opinion that the applicant has made out a case for the grant of bail. Hence the following order.

Order

- (i) The applicant shall be released on bail in connection with CR No.97 of 2022 registered at Gangapur Police Station, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one

or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall not enter the territorial jurisdiction of the Gangapur Police Station, Nashik, until the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any changes therein.

(v) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

**[R. N. Laddha, J.]**