

Nikita

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

BAIL APPLICATION NO.4669 OF 2024

Somnath Laxman Waghmode ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Date: 2025.07.22
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Mr. Aniket Vagal a/w Ms. Savvy Kolhekar a/w Ms. Juhi Kadu a/w Mr. Kunal Pednekar for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Ankush Borot, API, Lonikabhor Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 21st JULY, 2025

PC.:

1. Heard Aniket Vagal learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the State.
2. Applicant, by the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.282 of 2022 registered with Loni Kalbhor Police Station, Pune for the offences punishable under Sections 302, 341, 323, 504, of the Indian Penal Code, 1860. Said crime is registered as Sessions Case No.1167 of 2022.
3. FIR was lodged on the basis of the statement made by Ms. Minakshi (deceased) that on 27.05.2022, Applicant herein abused and assaulted her. Case of the prosecution is that during the said

assault, Applicant brought a bottle containing petrol, poured the petrol on Minakshi and set her on fire, resulting in burn injuries to the Minakshi. Minakshi died on 15.07.2022.

4. Applicant was arrested on 27.05.2022, since then he is in jail. Bail Application at Exhibit-5 filed by the Applicant in Sessions Case No.1167 of 2022 was rejected by the learned Additional Sessions Judge, Pune, by order dated 02.07.2024.

5. Mr. Aniket Vagal, learned Advocate for the Applicant submits that there are no eye-witnesses to the present crime. He submits that though Minakshi was alleged to have been set on fire by the Applicant, the papers produced along with the charge-sheet indicate that the burn injuries are to the extent of about 30%. He submits that though, Minakshi was admitted in the hospital, she was subsequently discharged. He submits that the Minakshi died almost after period of one and half month after the alleged incident (i.e. after 26.05.2022). He submits that the death of Minakshi cannot be attributed to the incident of 26.05.2022. He submits that the Applicant does not have any criminal antecedents.

6. Ms. Veera Shinde, learned APP for the State, submits that the incident of assault on Minakshi is dated 26.05.2022. She submits that Minakshi was admitted in hospital on 27.05.2022 and discharged from hospital on 10.06.2022 and died on 15.07.2022. She submits that though, the evidence is circumstantial in nature, circumstances are established by the statements of the neighbors and the step-son of the Applicant.

7. I have perused the record with the able assistance of learned

Advocates for the parties.

8. Offence in the present crime is dated 26.05.2022. Minakshi was admitted to hospital on 27.05.2022, she was in hospital till 10.06.2022 (i.e. date of her discharge from hospital). As submitted before me, the death of Minakshi is on 15.07.2022 i.e. almost after more than a month from her discharge and about one and half month after the alleged incident.

9. Considering the said circumstances and the evidence being in the nature of circumstantial evidence, continuation of the Applicant, in jail is not warranted. Investigation is complete, charge-sheet is filed. Applicant is in jail for almost three years. Charge in the said crime is not framed till date, as submitted by Mr. Aniket Vagal.

10. 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 C. R. No.282 of 2022 registered with Loni Kalbhor Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

b) Applicant shall attend and report to the Investigation Officer, Loni Kalbhor Police Station, Pune on first Saturday of every month from 10.00 am to 12.00 pm, till the framing of the charge in Sessions Case No.1167 of 2022 pending before the Additional Sessions Judge, Pune.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Loni Kalbhor Police Station, Pune, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall not contact or attempt to contact the step-son of the Applicant or the neighbors.

11. The Bail Application No.4669 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)