

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

CRIMINAL APPEAL NO.381 OF 2025

Sanket Umesh Gupta ... Appellant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Sushil A. Inamdar for the Appellant.
Ms. S. K. Gajare-Dhumal, APP for Respondent No.1-State.
Mr. Nikitesh Kotangale a/w Amit Jaiswar for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 22ND AUGUST 2025

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1. This Appeal is filed against the order dated 10th February 2025 passed by the Special Judge, Pune below Exhibit 3 in Special Case No.1166 of 2024 by which the Learned Special Judge has rejected the bail application of the present Appellant in connection with Crime No.398 of 2024 for the offences punishable under Sections 302 read with 34 of the India Penal Code, 1860 and Sections 3(2)(V), 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The present Appellant is Accused No.2 in the said crime. It is the case of the prosecution that the sister of Accused No.1 was in relationship with the son of the deceased. They eloped and married each other. It is

alleged that Accused No.1 was thus annoyed with the family of the deceased. It is alleged that on the date of incident, which took place on 24th June 2024, Accused No.1 and the present Appellant came to the house of the deceased and assaulted him by Koyta and committed his murder.

3. I have heard Learned Counsel for the Appellant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2.

4. Learned Counsel for the Appellant submits that the Appellant has nothing to do with the alleged crime. It is submitted that the motive for the alleged crime is attributed to Accused No.1. It is submitted that there are no criminal antecedents against the present Appellant and he is not likely to abscond, if released on bail.

5. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2 submit that the present Appellant was with the Accused No.1 at the time of incident. It is submitted that Accused No.1 was carrying Koyta and therefore it cannot be said that the Appellant was not aware about the intention of Accused No.1. It is submitted that after the incident, the present Appellant facilitated Accused

No.1 to run away from the place of incident. It is submitted that considering the nature of crime, the Appellant may not be released on bail.

6. I have perused the statement of eyewitnesses. They have not attributed any overt act to the present Appellant. According to them, Accused No.1 assaulted the deceased by Koyta. No motive is attributed to the Appellant. The Appellant is in jail for more than one year. Considering the overall facts and circumstances, I am inclined to release the Appellant on bail, subject to certain conditions. Hence, the following order:-

ORDER

- i. The Appeal is allowed.
- ii. The impugned order is set aside.
- iii. The Appellant shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties of the like amount, till conclusion of the trial.
- iv. The Appellant shall not enter into the corporation limits of Pune City except to attend the dates before the trial court.
- v. The Appellant shall not tamper with the prosecution evidence.
- vi. The Appellant shall not commit any other crime.

- vii. Liberty is granted to the prosecution to file application for cancellation of bail in case the Appellant commits breach of any of above conditions.
- 7. The Appeal is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)