

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 442 OF 2025**

Rajesh Subbrao Deshmukh

Appellant

versus

The State of Maharashtra and Anr.

Respondents

Mr. Shailesh Kharat along with Mr. Onkar Chaudhari i/b. Mr. A. R. Chikale, Advocate for the Appellant.

Ms. Anuja Gotad, APP for Respondent No.1-State.

Mr. Dhananjay Bhosale, Advocate for Respondent No.2 (appointed through Legal Aid).

PSI-Ajay Rathod, Dehu Road Police Station, Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JULY, 2025.

P.C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. By this appeal, the appellant is seeking regular bail in Crime No.107 of 2024 registered with Dehu Road Police Station under Sections 302, 143, 147, 149 and 506 of the Indian Penal Code 1860 and Sections 3(2)(v) and 6 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that on 5th March 2025 at around 10.43 pm, the co-accused assaulted the deceased with wooden rod, cement

SHUBHADA
SHANKAR
KADAM

Digitally signed by
SHUBHADA
SHANKAR KADAM
Date: 2025.07.17
19:17:15 +0530

block and cement pot. It is alleged that when the deceased was left in injured condition on road, at that time, the appellant came there. One of the eye-witness was trying to call the ambulance but the appellant prevented him from calling ambulance and told him, let him die. The appellant is the father of main accused.

2. It is contention of learned counsel for the appellant that the appellant had not participated in actual assault on the deceased. He was not present at the time of the incident. It is alleged that after the incident, he came to the incident spot. At that time, deceased was lying in injured condition on road side. One of the eye-witness was trying to call ambulance to shift the deceased to the hospital but the appellant told him not to call the ambulance and let him die. Learned counsel further submitted that appellant is behind bar for more than one year. He has 50% disability. As the appellant was not involved in assault incident, he be released on bail. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant had threatened the first informant on phone. Though he was not present at the time of incident but when deceased was lying on road in injured condition, the appellant prevented the eye-witness from calling the ambulance. The death of the deceased was caused due to not getting medical treatment in time, for which, the appellant is responsible. No document was produced before the Trial Court to show the disability of the appellant. The appellant is the father of

the main accused. If he is released on bail, he may abscond or threaten the prosecution witnesses. Learned APP further submitted that the trial is almost completed, only evidence of Investigating Officer has remained to be recorded, Hence, requested to reject the application.

6. I have heard all learned counsel, perused the FIR and documents produced on record.

7. Admittedly, at the time of the incident, the appellant was not present at the incident spot. The allegations against the appellant are that he prevented the eye-witness from calling ambulance. It is alleged that earlier, the appellant had threatened complainant and his family members. The appellant is the father of accused No.1. The appellant had produced the documents showing 50% disability before the Trial Court. The evidence before the Trial Court is completed and only the Investigating Officer has remained to be examined. Considering the allegations against the appellant as well as he was not present at the time of assault on the deceased, his further detention is not required and I pass following order :

ORDER

- (i) The appellant be enlarged on bail in Crime No.107 of 2024 registered with Dehu Road Police Station, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The appellant shall attend the concerned police station as and when required.

The appeal 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. Mr. Dhananjay Bhosale, Advocate, appointed through Legal Aid to espouse the cause of respondent No.2 be paid his professional fees as per provisions of Legal Services.

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

(SHIVKUMAR DIGE, J.)