

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
BAIL APPLICATION NO. 194 OF 2025**

Sagar Suresh Pawar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**ALONGWITH
BAIL APPLICATION NO. 4258 OF 2024**

Vinod Rohidas Dhotre	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Amar Kale a/w. Mr. Krishna Tarde, i/b. Mr. Prashant Hagare for applicants in both applications.

Mr. Pankaj Deokar, APP for the respondent-State.

Mr. Devkate, PSI, Baramati City Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 07th FEBRUARY, 2025**

P.C. :

. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants in these applications were arrested on 19.03.2024 in connection with FIR No.0181 of 2024 dated 18.03.2024 registered at Baramati City Police Station, District Pune Rural, for offences under Sections 326, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951. This Court is informed that subsequently, the victim died and offence under Section 302 of the IPC was also added.

3. The FIR was registered on the statement of the first informant, who stated that his nephew was brutally assaulted by the accused persons, including the applicants herein, by means of wooden sticks. He named both the the applicants on the basis of the CCTV footage of the restaurant, where the incident had taken place.

4. The learned counsel for the applicants submits that the first informant is not an eye-witness in the present case, although he has taken the name of one Ritesh Devkar, who informed the first informant about the incident. It is the case of the investigating authority that the said Ritesh Devkar was an eye-witness. It is submitted that the statement of the said eye-witness, recorded on 19.03.2024, shows that he did not name any of the assailants. Even in the supplementary statement dated 25.03.2024, he named only 4 co-accused persons, but did not name the applicants.

5. The statements of other witnesses, who saw the CCTV footage, named the co-accused persons, but did not name the applicants herein, thereby creating a shadow of doubt on the case of the prosecution, as the very presence of the applicants is rendered doubtful.

6. The learned APP submitted that the first informant has clearly described the manner in which the applicants had assaulted the victim by using wooden sticks and their names were mentioned with those of the co-accused persons, after viewing the CCTV footage. It is submitted that therefore, the presence of the applicants can be said to have been established.

7. This Court has considered the rival submissions, in the light of

the material on record. Both the applicants were arrested on 19.03.2024. Upon completion of investigation, the charge-sheet is already filed.

8. This Court finds substance in the contention raised on behalf of the applicants that only the first informant has named them and attributed overt acts to them, in respect of the incident in question. Neither the alleged eye-witness, nor the other witnesses have named the applicants in respect of the said incident. Perusal of the statement of the eye-witness as well as his supplementary statement, shows that he has not taken the name of the applicants, as having assaulted the victim and he has named only four co-accused persons in his supplementary statement. The statements of the witnesses, who viewed the CCTV footage have named some of the co-accused persons. But, the names of both the applicants are not taken in their statements. That leaves only the statement of the first informant and this indeed shows that there is variance in the versions given by the witnesses.

9. In view of the above, this Court is inclined to allow the present application, particularly in the light of the fact that the applicants have remained behind bars since 19.03.2024 and also in the backdrop of the fact that the investigation is completed and charge-sheet is already filed.

10. Accordingly, the application is allowed in the following terms:

- (i) The applicants Sagar Suresh Pawar and Vinod Rohidas Dhotre shall be released on bail in connection with FIR No.0181 of 2024 dated 18.03.2024 registered at Baramati City Police Station, District Pune Rural, on furnishing PR Bonds of ₹ 50,000/- each and one or two sureties each in the like amount

to the satisfaction of the trial Court.

- (ii) The applicants, upon being released on bail, shall report to Baramati City Police Station, District Pune Rural on second and fourth Monday of every month between 10:00 a.m. and 12:00 noon during the pendency of trial.
- (iii) Upon being released on bail, the applicants shall immediately, and in any case within a week, furnish the details of their active mobile numbers and residential addresses to the trial Court and update about the same, if there is any change.
- (iv) The applicants shall co-operate with the trial Court in completing the proceedings expeditiously and attend the proceedings before the trial Court on each and every date, unless specifically exempted, for the reasons to be recorded in writing.
- (v) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.

11. The applicants shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions is violated.

12. It is also clarified that the observations made in this order are limited to the disposal of the present bail applications and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The applications are disposed of.

(MANISH PITALE, J)