

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 221 OF 2025

Vishwanath @ Bablu Dagdu Ahire ...Applicant.

Versus

The State of Maharashtra. ...Respondent.

Mr. Jayendra D. Khairnar, a/w. Ms. Gauri Kulkarni, Advocate for Applicant.

Ms. Manisha Tidke, APP for Respondent-State.

PN Manoj Madan Bachkar, Vadner Khakurdi Police Station.

CORAM: ASHWIN D. BHOBE, J.

DATED: 25th AUGUST, 2025.

PC:-

1. Heard Mr. Jayendra Khairnar, learned Advocate for the Applicant and Ms. Manisha Tidke, learned APP for State.
2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. I-343 of 2024 registered with Vadner-Khakurdi Police Station, Tal. Malegaon, Dist. Nashik for the offences punishable under Section 109, 352, 351(2)(3) of Bharatiya Nyay Sanhita, 2023 (for short "BNS").
3. Mr. Khairnar states that Crime No. I-343 of 2024 is registered as Sessions Case No. 1230 of 2024 and is pending before the Court of Additional

Sessions Judge, Malegaon, Dist. Nashik.

4. Applicant is sole Accused in the aforesaid crime.

5. FIR was registered on the report lodged by Prakash Nathu Bacchav(Informant). Case of the prosecution is that on 16th August, 2024 at about 6.30 p.m. Prashant @ Pappu Mehetre (deceased) was found lying in his house having injuries on his head. Deceased Prashant was bleeding and was trembling. He was taken to the hospital in the said condition. Deceased Prashant succumbed to his injuries on 21st August, 2024. FIR was registered against unknown person.

6. Applicant was arrested on 12th September, 2024. Bail Application No. 1146 of 2024 filed by the Applicant was rejected by the Additional Sessions Judge, Malegaon on 18th December, 2024.

7. Mr. Khairnar, learned Advocate for the Applicant submits that the Applicant has been arrested on the basis of the statement made by Prakash Nathu Bacchav. He submits that Prakash Nathu Bacchav in his statement has made a reference to the deceased Prashant owing money to the Applicant and there being a quarrel between them about 3 months prior to the incident. He submits that the sister of the deceased Prashant has made reference to the financial transaction between the Applicant and deceased Prashant which according to the sister was a cause of a quarrel between them. He submits that apart from the two statements which are also vague and unsubstantiated, there is no other material to implicate the Applicant in the present crime. Mr. Khairnar, submits that the Applicant has been falsely implicated in the said crime. Mr. Khairnar, states that the Applicant does not have any criminal

antecedents.

8. Ms. Manisha Tidke, learned APP for the State states that a hammer and an empty liquor bottle have been recovered at the instance of the Applicant. She submits that liquor bottle which is recovered at the place of incident has finger imprints of the Applicant. She submits that statements made by the Informant and the sister of the deceased Prashant, indicate some sort of dispute between the Applicant and deceased Prashant. She on instructions from Mr. Manoj Bachkar, PN submits that there is no material on record which indicates that the Applicant having criminal antecedents.

9. Perused the records with the assistance of the learned Advocates.

10. Records reveal that the Applicant has been arrested on the basis of suspicion. Said suspicion apparently is on the basis of the statement of Informant and sister of the deceased Prashant. Perusal of the statements indicates that both the said witnesses refer to the Applicant having a financial transaction with the deceased Prashant and some sort of a quarrel amongst them prior to the incident. They do not attribute any overt act by the Applicant. Though liquor bottle has been recovered with the finger print of the Applicant on it, there is no material to indicate that the Applicant and deceased Prashant were consuming alcohol together. Similarly, the hammer which is recovered at the instance of the Applicant does not have finger imprints of the Applicant or any blood stains on it.

11. Prosecution case is based on circumstantial evidence. Material on record at the most gives rise to suspicion as against the Applicant. Suspicion however grave does not substitute proof. Prosecution will have to prove the

allegation during the course of trial. Aforesaid being the nature of evidence on the strength of which the prosecution proposes to bring home the charge against the Applicant, further no criminal antecedents of the Applicant being placed on record this is a fit case to enlarge the Applicant on bail.

12. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. I-343 of 2024 registered with Vadner-Khakurdi Police Station, Tal. Malegaon, Dist. Nashik upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Malegaon.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Vadner-Khakurdi Police Station, Tal. Malegaon, Dist. Nashik.

(d) Applicant shall attend each and every date of hearing in Sessions Case No. 1230 of 2024 before the learned Additional Sessions Judge, Malegaon, unless exempted.

(f) Applicant shall attend and report to the Investigating

Officer, Vadner-Khakurdi Police Station, Tal. Malegaon, Dist. Nashik on the first Saturday of every month from 10 a.m. to 12 p.m..

13. Bail Application No. 221 of 2025 is allowed and disposed of on the above terms.

(ASHWIN D. BHOBE,J.)