

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

CRIMINAL BAIL APPLICATION NO. 710 OF 2025

Hemant Shivaji Wagh ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Aniket Vagal, Advocate for the Applicant.
Ms. Veera Shinde, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 28th JULY, 2025.

P.C. :

1. Heard Mr. Aniket Vagal, learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the Respondent-State.

2. By the present Application, the Applicant is seeking bail in crime No. I-198 of 2021 registered with Mumbai Naka Police Station, Nashik, for the offences punishable under Sections 302, 120B, 279, 337, 338, 304-A, 420 read with 34 of the Indian Penal Code, 1860 (for short "IPC") and under Sections 184, 134/187 of the MV Act. Said crime is registered as Sessions Case No.202 of 2023 and is pending on the file of the Court of the Additional Sessions Judge, Nashik.

3. There are 7 Accused in the present crime. Applicant is Accused No. 5.

4. Case of the prosecution is that on 3rd September, 2021, Pravin Suresh Bhalerao (Informant) lodged a report stating that an unknown

vehicle gave a dash to his brother Ashok Suresh Bhalerao. In the said accident, Ashok Suresh Bhalerao succumbed to the injuries. Initially, a crime was registered for the offences punishable under Sections 279, 304-S of the Indian Penal Code (for short “IPC”) and 134/177 of MV Act vide Crime No.598 of 2021. During the course of Investigation, Ms. Charushila Bhalerao & Mr. Pravin Suresh Bhalerao, wife and brother of Ashok Bhalerao, claimed that the Accused persons in the crime, committed murder of Ashok Bhalerao by assaulting him and thereafter attempting to camouflage the same as a motor vehicle accident. Intentions behind the crime was to claim the huge Insurance Policy amount which would be payable in the event of the accidental death of Ashok Bhalerao. Sections 302, 364, 120B read with Section 34 of IPC were subsequently added to the said crime.

5. Applicant was arrested on 14th December, 2022, since then he is in jail. Bail Application at Exhibit-15 (Page No. 514) filed by the Applicant in Sessions Case No.202 of 2023 was rejected on 21st August, 2024.

6. Mr. Aniket Vagal, learned Advocate for the Applicant, submits that the allegations made against the Applicant (Accused No.5) in the present crime is that an amount of Rs. 5,05,400/- was transferred to the account of the Applicant. He submits that apart from the said allegation there is no material against the Applicant to implicate the Applicant in the crime. He submits that no motive is alleged against the Applicant. He submits that the Applicant was neither seen at the place of incident nor present in the car which is involved in the crime. He submits that the Applicant has no criminal antecedents.

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

8. Records of the Investigation reveal that the Applicant is arrayed in the crime on account of an amount of Rs.5,05,400/- payable to the beneficiary of the policy obtained by Ashok Bhalerao being transferred to the account of the Applicant. No motive is attributed to the Applicant. Ms. Shinde, learned APP for the State, submits that apart from the amount of Rs.5,05,400/- being transferred in the account of the Applicant, there is no material on record to show the involvement of the Applicant in the present crime.

9. In view of the above, continuation of the Applicant in jail pending the trial is not warranted.

10. 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.I-198 of 2021 registered with Mumbai Naka Police Station, Nashik 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, Nashik.

(b) 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 such person from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

(c) Applicant shall not tamper with the prosecution witnesses and evidence in any manner.

(d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Mumbai Naka, Police Station, 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) The Applicant shall attend the Court on each date of hearing in Sessions Case No.202 of 2023 pending before the Additional Sessions Judge, Nashik, unless exempted.

11. Bail Application No.710 of 2025 is allowed in the above said terms.

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(ASHWIN D. BHOBE, J.)