

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

CRIMINAL BAIL APPLICATION NO. 746 OF 2025

Utkarsh Dattatray Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Amit Ratankumar Icham a/w Mr. Suraj Ashok Shinde, learned
Advocates for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 15th JULY 2025.

P.C. :

1. Heard Mr. Amit Icham, learned Advocate for the Applicant
and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the
Applicant is before this Court seeking regular bail in connection
with Crime No. 213 of 2024 registered with Malegaon Police
Station, District-Pune for the offences punishable under Sections
109, 140(1), 118(2), 189(2), 189(4), 190, 191(2) and 191(3) of
the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short) and Section
135 of the Maharashtra Police Act, 1951.

3. Mr. Amit Icham, learned Advocate for the Applicant submits
that the abovesaid crime is registered as Sessions Case No. 121 of

2025 and is pending on the file of learned Additional Sessions Judge, Baramati, District-Pune.

4. There are 7 accused in the present crime. Applicant is Accused No. 2.

5. First Information Report was lodged on the basis of information received from Balasaheb Laxman Jadhav, i.e., the father of Akshay (victim). Case of the prosecution is that on account of enmity between the victim and the accused persons, there was quarrel resulting into a fight. In the said fight, the victim was assaulted.

6. Applicant was arrested on 9th September 2024 and since then he is in jail. Criminal Bail Application No. 1397 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Baramati on 30th December 2024.

7. Mr. Amit Icham, learned Advocate submits that the main assailant in the present crime viz. Hemant Vyankat Kamble (Accused No. 6), has been released on anticipatory bail, pursuant to the order dated 11th November 2024 passed in Anticipatory Bail Application No. 2933 of 2024 (at page no. 232 of the paper-book). He refers to the statement of victim to submit that the involvement, if any, of the Applicant in the alleged crime, was to prevent the fight. He submits that apart from the Informant in his statement referring to the Applicant, as having intervened to stop the fight, there is no any other involvement of the Applicant in the present crime. He submits that the Applicant is in jail since 9th September 2024. He submits that the Applicant does not have any criminal

antecedents.

8. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the fight was amongst the 7 accused persons and the Informant, arising out of previous enmity. He submits that the injuries caused to the victim in the said assault are on vital parts of the body.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet reveals that the role assigned to the Applicant, more particularly by the victim himself is of the Applicant attempting to stop the fight. Apart from the said role, as rightly submitted by Mr. Amit Icham, learned Advocate, there is no other material on record to implicate the Applicant in the present crime. Main assailant Hemant Vyankat Kamble has been released on anticipatory bail. Applicant does not have any criminal antecedents as stated by Mr. Amit Icham, learned Advocate. Investigation in the present matter is complete and the charge-sheet is filed.

11. In view of the above, custody of the Applicant is not required pending the trial. Hence, the Applicant is entitled for bail.

12. In the result, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 213 of 2024 registered with

Malegaon Police Station, District-Pune for the offences punishable under Sections 109, 140(1), 118(2), 189(2), 189(4), 190, 191(2) and 191(3) of the BNS and Section 135 of the Maharashtra Police Act, 1951 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Baramati, District-Pune.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 121 of 2025, pending on the file of Additional Sessions Judge, Baramati, District-Pune, on each and every date, unless exempted from appearance.

13. Criminal Bail Application No. 746 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]