

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

Bail Application No.1036 of 2025

Santosh Manik Mane

Age: 29, Occ: Labour,

R/o- Near Asian College, Narhe

Tal: Haveli, Dist: Pune.

At present in Pune Jail, Dist. Pune

... Applicant

Versus

The State of Maharashtra

Through Haveli Police Station,

Pune vide C.R. No.211 of 2024

... Respondent

Mr Kuldeep Nikam, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PSI Sanjay Sutnuse, a/w. PC Gund, Haveli Police Station, Pune Rural, is present.

Coram: R.N. Laddha, J.

Date: 3 November 2025.

P.C.:

Heard Mr Kuldeep Nikam, learned Counsel appearing on behalf of the applicant and Arfan Sait, learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant in the present case is seeking bail in connection with CR No.211 of 2024, registered at Haveli Police Station, Pune Rural, for the offences punishable under

Sections 109, 189(2), 189(4), 189(9), 191(2), 191(3), 190, 352, 351(2), 351(3), 351(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3, 25 of the Arms Act as well as Section 135 of the Maharashtra Police Act.

3. The prosecution alleges that the applicant, in connivance with the co-accused, formed an unlawful assembly with the shared intent of perpetrating a violent attack. In furtherance of the said common object, the accused persons assaulted one Somnath Wagh, causing injuries that proved fatal and led to his death.

4. The learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the incident in question gave rise to a cross-case, in which one person from each group unfortunately lost their lives. The learned Counsel further submits that the alleged eyewitnesses cited by the prosecution in the instant case are themselves arraigned as accused persons in the said cross FIR, casting serious doubt on the veracity and impartiality of their statements.

5. It is further submitted that although it is alleged that the applicant was, at the relevant time, in possession of an iron rod, there is no specific allegation that the applicant ever used the

said iron rod in the commission of the alleged offence. Significantly, the applicant has not been named in the FIR and no Test Identification Parade (TIP) has been conducted by the investigating agency. The Post-Mortem Report of the deceased categorically attributes the cause of death to firearm injuries. The use of the firearm has been specifically attributed to co-accused Chetan Jawalkar, and all injuries mentioned in the report pertain solely to the firearm. None of the eyewitnesses has alleged that any injury was inflicted by an iron rod, nor have they claimed to have sustained any such injury themselves.

6. It is further submitted that nothing incriminating has been recovered from the applicant during the course of the investigation. In the corresponding cross FIR, as many as eight accused persons have already been granted bail. The applicant has been languishing in jail since 9 October 2024.

7. Without prejudice to the aforesaid submissions, the learned Counsel for the applicant further submits that the applicant is willing to abide by any condition that this Court may deem fit to impose, including a condition to reside outside the territorial jurisdiction of Haveli Police Station, Pune, till the conclusion of the trial, and undertakes not to seek any relaxation of such conditions during that period.

8. On the other hand, the learned APP has opposed the bail application, contending that the applicant was an active participant in the incident in question. It is contended that the offence alleged is of a grave and serious nature, involving acts of violence which culminated in the loss of human life. The learned APP further submits that the occurrence has resulted in the registration of both a case and a cross case, reflecting a situation of mutual assault or confrontation between rival parties. This factual scenario, according to the learned APP, clearly establishes the presence and involvement of the applicant at the scene of occurrence at the material time.

9. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the record. It is evident from the perusal of the case record that the name of the applicant does not find mention in the FIR. The allegation levelled against the applicant is that at the time of the incident, he was present at the scene holding an iron rod in his hand and made an attempt to cause injury to one of the prosecution witnesses. No incriminating material or weapon has been recovered from the possession of the applicant. It is also undisputed that the applicant was not armed with, nor did he make use of, any firearm during the alleged occurrence. The material available on record further discloses that the death of

the victim resulted from firearm injuries, which, as per the prosecution's own case, are specifically attributed to co-accused Chetan Jawalkar. It is further pertinent to note that eight accused persons named in the cross FIR arising out of the same transaction, have already been enlarged on bail.

10. Moreover, the applicant has been languishing in jail since 9 October 2024 and the charges have not yet been framed, indicating that a trial is unlikely to conclude in the near future. In view of the foregoing, this Court is of the opinion that the applicant has made out a case for the grant of bail. Accordingly, the following order is passed :

Order

- (i) The applicant shall be released on bail, in CR No.211 of 2024, registered at Haveli Police Station, Pune Rural, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall not enter the

territorial jurisdiction of the Haveli Police Station, Pune, till the conclusion of the trial.

(iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the investigating officer, and shall inform the Court of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for valid reasons.

(vi) Any breach of the above conditions shall entail cancellation of bail.

11. The bail application stands disposed of accordingly.

[R.N. Laddha, J.]