

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1191 OF 2025

Dilip Damoder Vatane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Ujjwal Nikam a/w Ms. Abhilasha Pawar, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

PH-2487 Mr. Dattatraya Ramchandra Arjun attached to Paud Police Station, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th AUGUST 2025.

P.C. :

1. Heard Mr. Aniket Nikam, learned Advocate for the Applicant and Mr. Tanveer Khan, 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. 260 of 2024 registered with Paud Police Station, District-Pune for the offences punishable under Sections 302, 504, 506(2), 143, 148, 149, 323 & 201 of the Indian Penal Code, 1860 (“**IPC**” for short), Section 4(25) of the Indian Arms Act, 1959 and Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951.

3. Mr. Aniket Nikam, learned Advocate for the Applicant submits that the abovesaid crime is registered as Regular Criminal Case No. 4093 of 2024 and is pending on the file of Additional Sessions Judge, Pune.

4. There are 5 accused persons in the present crime. Applicant is Accused No. 4.

5. First Information Report in the present crime is lodged by Santosh @ Gafur Dattu Tonde (Informant). Case of the prosecution is that on 15th June 2024, Shankar Tonde (deceased) was assaulted by the accused persons with fists and blows in view of an earlier dispute amongst them. On 16th June 2024 dead body of the deceased Shankar Tonde was found. Prosecution claims that the deceased Shankar Tonde was assaulted with the sharp weapons and the accused persons are involved in committing murder of deceased Shankar Tonde.

6. Applicant was arrested on 17th June 2024, since then he is in jail. Criminal Bail Application No. 7078 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Pune by order dated 20th February 2025.

7. Mr. Aniket Nikam, learned Advocate for the Applicant submits that the involvement of Applicant in the present crime is on account of the incident that happened on 15th June 2025, wherein after an altercation deceased Shankar Tonde was assaulted by Accused Nos. 1 and 5. He submits that during the said assault, Applicant is alleged to have caught hold of deceased Shankar Tonde. He submits that apart from the incident, which took place

on 15th June 2025, there is no material on record to indicate the involvement of Applicant either in assaulting the deceased Shankar Tonde or committing his murder.

8. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the investigation reveals active participation of the Applicant in assaulting the deceased Shankar Tonde on 15th June 2025. He submits that the Applicant had caught hold of deceased Shankar Tonde during the said assault, which facilitated other accused persons to assault the deceased Shankar Tonde with fists and blows. He submits that the Call Details Record indicate presence of Applicant in the vicinity alongwith other accused persons.

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

10. Perusal of the charge-sheet reveals that the involvement of Applicant in the present crime, which is of 15th June 2025, i.e., the date when the deceased Shankar Tonde was assaulted by the other accused persons. During the said assault, the Applicant had caught hold of deceased Shankar Tonde. Investigation papers reveal that after the said assault on 15th June 2025, which assault was by way of fists and blows, deceased Shankar Tonde had left the place of incident. *Prima facie* there is no material on record to indicate the complicity of Applicant in the murder of deceased Shankar Tonde, which is alleged to be on 15th June 2025. Injuries on the body of Shankar Tonde are caused by sharp weapons like sword, chopper and sickle. Recoveries of some dangerous weapons have been

made at the instance of Abhinav @ Dattu Dilip Vatane (Accused No. 1).

11. Considering the material on record and the nature of allegations, *prima facie* there is no material on record to show the involvement of Applicant in the assault of Shankar Tonde, which is apparently by use of dangerous sharp weapons. In such circumstances, incarceration of the Applicant pending the trial is not warranted.

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

- a. Applicant is directed to be released on bail in connection with Crime No. 260 of 2024 registered with Paud Police Station, District-Pune for the offences punishable under Sections 302, 504, 506(2), 143, 148, 149, 323 & 201 of the IPC, Section 4(25) of the Indian Arms Act, 1959 and Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951 on executing PR. 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, 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 upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Paud Police Station, District-Pune and shall keep the same updated, in case of any change thereto.
 - e. Applicant shall co-operate in the conduct of the trial of Regular Criminal Case No. 4093 of 2024 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
13. Criminal Bail Application No. 1191 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
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2025.08.14
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