

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1616 OF 2025

Dnyaneshwar Prabhakar Waykande

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Aniket Vagal a/w Ms. Savvy Kolhekar, Mr. Kunal Pednekar and Ms. Juhi Kadu, learned Advocates for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 5<sup>th</sup> AUGUST 2025.**

**P.C. :**

1. Heard Mr. Aniket Vagal, learned Advocate for the Applicant and Mr. Pandurang Gaikwad, 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. 394 of 2024 registered with Dindori Police Station, District-Nashik Rural for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short).

3. Mr. Aniket Vagal, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 438 of

2024 and is pending on the file of Additional Sessions Judge-6, Nashik.

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

5. First Information Report was lodged at the instance of Ratan Motiram Tandale (father of the deceased). Case of the prosecution is that Kiran Ratan Tandale (deceased) was having relationship with the wife of Accused No. 1 (Satish Prabhakar Waykande). On 8<sup>th</sup> October 2024 deceased Kiran and the wife of Accused No. 1 were seen together, which triggered a conflict between Accused No. 1 and deceased Kiran. Accused No. 1 called his brother, the Applicant herein and both of them assaulted deceased Kiran. After the assault, as per the complaint made by the Informant, deceased Kiran was taken in a van to the Police Station by Accused No. 1 and some other villagers. Deceased Kiran succumbed to the injuries on 12<sup>th</sup> October 2024.

6. Applicant was arrested on 13<sup>th</sup> October 2024, since then he is in jail. Criminal Bail Application No. 127 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge-6, Nashik by order dated 23<sup>rd</sup> January 2025.

7. Mr. Aniket Vagal, learned Advocate for the Applicant submits that the offence alleged against the Applicant is a result of conflict, which arose at the spur of moment. He submits that the Applicant did not have any intention to cause hurt or death of Kiran Tandale. He submits that the reason for conflict was on account of the sister-in-law of Applicant being seen in the company of deceased Kiran.

He submits that the conduct of Applicant and his brother of taking deceased Kiran after the fight to the Police Station, itself justifies that there was no intention on the part of Applicant to cause death of Kiran Tandale. He submits that the Applicant does not have any criminal antecedents.

8. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent submits that the Applicant and his brother had a motive to kill Kiran Tandale. Such motive was on account of the illicit relationship the deceased Kiran had with the wife of Accused No. 1. He submits that the wife of Accused No. 1 and two other prosecution witnesses, have referred to the Applicant and his brother assaulting Kiran Tandale with fists and blows. He therefore opposes the bail.

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

10. Records reveal that the wife of Accused No. 1 was seen together with deceased Kiran. Accused No. 1, upon noticing the said situation with the background of his wife being in relationship with the deceased Kiran, for last several years, led to a conflict. Said conflict turned violent, wherein Accused No. 1 with the participation of Applicant started assaulting deceased Kiran. Assault is by way of the fists and blows. No weapon is alleged to have been used by the accused persons to assault deceased Kiran. Post-mortem Report of deceased Kiran does not indicate any injury being caused by any weapon.

11. Informant, i.e., the father of Kiran Tandale in his complaint

has stated that deceased Kiran, after the assault, was taken to the Police Station by the Accused persons along with some other villagers. Hiranman Baburao Waykande, eye witness to the crime has stated that on 8<sup>th</sup> October 2024 deceased Kiran was seen by him in a drunken state. He has further stated that deceased Kiran had illicit relations with the wife of Accused No. 1.

12. Considering the material on record and the allegations against the Applicant, *prima facie* the incident appears to have happened at the spur of moment. Material on record does not indicate the Applicant having any intention to cause death of Kiran Tandale in the said assault. In view of the same, incarceration of Applicant is not warranted pending the trial.

13. 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. 394 of 2024 registered with Dindori Police Station, District-Nashik Rural for the offences punishable under Sections 103(1) and 3(5) of the BNS 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-6, Nashik.
- 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, Dindori Police Station, District-Nashik Rural and shall keep the same updated, in case of any change thereto.
  - e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 438 of 2024 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge-6, Nashik, on each and every date, unless exempted from appearance.
14. Criminal Bail Application No. 1616 of 2025 stands disposed of in the abovesaid terms.

**[ASHWIN D. BHOBE, J.]**

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by GITALAXMI  
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KOTAWADEKAR  
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