

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1703 OF 2025

Amol Tanaji Dhavare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Abhay Arjun Jadhavar a/w Mr. Rutik Kashid, learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th JULY 2025.

P.C. :

1. Heard Mr. Abhay Jadhavar, learned Advocate for the Applicant and Ms. Veera Shinde, 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. 326 of 2023 registered with Bharati Vidyapeeth Police Station, Pune City for the offences punishable under Sections 506, 504, 427, 395 and 385 of the Indian Penal Code, 1860 (“**IPC**” for short) and Section 7 of the Criminal Law Amendment Act, 1932.

3. Mr. Abhay Jadhavar, learned Advocate for the Applicant

submits that the abovesaid crime is registered as Sessions Case No. 564 of 2024 and is pending on the file of learned Additional Sessions Judge, Pune.

4. There are 6 accused persons in the present crime. Applicant is Accused No. 6.

5. Case of the prosecution is that the Applicant and other 5 accused persons entered into a shop and created a ruckus in the shop. They abused the Manager of the shop, broke the liquor and cold drink bottles and pelted stones on the Television as well as on the table of the shop, thereby causing damage and loss to the owner. Accused persons thereafter forcibly took away Rs. 10,000/- from the counter of the shop and fled away.

6. Applicant was arrested on 24th May 2023, since then he is in jail. Criminal Bail Application No. 347 of 2024 filed by the Applicant in Sessions Case No. 546 of 2024, was rejected by the learned Additional Sessions Judge, Pune by order dated 28th June 2024.

7. Mr. Abhay Jadhavar, learned Advocate for the Applicant submits that involvement of the Applicant in the crime is of being present alongwith other accused persons. He submits that there are no allegations against the Applicant of taking away the amount from the counter of the shop. He points out that the amount of Rs. 10,000/- was taken away by the co-accused Ajay Panchal. He submits that an amount of Rs. 10,000/- was taken by the co-accused Ajay Panchal and some amount was recovered at his instance. He submits that no recoveries have been made at the

instance of Applicant.

8. Ms. Veera Shinde, learned A.P.P. for the State/Respondent submits that involvement of the Applicant is made out from the statement of Manager of the shop viz. Swapnil Kale. She submits that the Applicant is responsible for the ruckus and is also stated to have broken liquor and cold drink bottles in the shop, thereby causing damage to the shop and loss to the owner of the shop. She submits that the Applicant has a criminal antecedent and his release may amount to tampering with the evidence, he being a local.

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

10. Charge-sheet reveals that the Applicant was present alongwith the other accused persons at the spot. Statement of the Manager of the shop indicates that the Applicant had participated in creating a chaos in the shop and had broken the liquor and cold drink bottles, thereby causing damage to some property. There are no allegations against the Applicant with reference to the stolen cash.

11. Considering the nature of allegations and material on record against the Applicant, involvement of the Applicant would at the most be of causing damage to the shop. Applicant is in jail for almost 2 years and 2 months from the date of his arrest. In view of the above, detention of the Applicant pending the trial is not warranted.

12. Apprehension expressed by Ms. Veera Shinde, learned A.P.P., can be taken care by imposing stringent conditions on the Applicant.

13. Mr. Abhay Jadhavar, learned Advocate submits that in the event of indulgence being shown to the Applicant in the present Bail Application, then he has instructions from the Applicant to state that the Applicant will abide by all conditions that may be imposed by this Court. He states that the Applicant will not enter the territorial jurisdiction of Pune City, pending the conclusion of trial in Sessions Case No. 564 of 2024, except for attending the hearing of the said case. Statement accepted.

14. 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. 326 of 2023 registered with Bharati Vidyapeeth Police Station, Pune City for the offences punishable under Sections 506, 504, 427, 395 and 385 of the IPC and Section 7 of the Criminal Law Amendment Act, 1932 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, 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, Bharati Vidyapeeth Police Station, Pune City 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. 564 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.
- f. Applicant shall report/attend before the Investigating Officer, Bharati Vidyapeeth Police Station, Pune City on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge by the learned Trial Court in the said case.
- g. Applicant shall not enter the territorial jurisdiction of Pune City, till conclusion of the trial of Sessions Case No. 564 of 2024, except for attending the hearing of the said case and for the purpose of reporting before the Investigating Officer, Bharati Vidyapeeth Police Station, Pune City.

15. Criminal Bail Application No. 1703 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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2025.07.25
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