

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

CRIMINAL BAIL APPLICATION NO. 2198 OF 2025

HARISH
VITHAL
CHAUDHARI

Om Pratap Raut

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date: 2025.06.24
21:57:20 +0530

Mr. Avinash B. Avhad Advocate for the Applicant.

Ms. Dr. A. A. Takalkar APP for the Respondent/State.

Ms. Niteeraj Thorat, Police Sub Inspector, Bharati Vidyapith Police Station, Pune.

CORAM : ASHWIN D.BHOBE, J.

DATE : 24th JUNE, 2025.

PC. :

1. Heard Mr. Avinash V. Avhad for the Applicant and Ms. Dr. A. A. Takalkar, learned APP for the Respondent.

1. By the present bail application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the Applicant is seeking bail in connection with Cr. No. 219/2025, registered with Bharati Vidyapith Police Station, Pune, for the offences punishable under Section 117(3), 118(1), 115(2) and 352 read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

3. Case of the prosecution is that the Applicant (Accused

no.1), his friend Accused no.2 (Vaibhav Shelke) and the Informant are friends. An argument amongst the friends turned into altercations resulting in a fight amongst themselves. In the said fight, the Informant is said to have suffered injuries to his eye, which is of grievous nature. Applicant is said to have assaulted the Informant by steel bottle.

4. Applicant along with the Accused no. 2 was arrested on 21st April 2025. Bail Application No. 2370/2025 filed by the Applicant was dismissed by the Additional Sessions Judge Pune on 2nd May, 2025.

5. Mr. Avinash V. Avhad learned Advocate for the Applicant submits that the Applicant, Accused no.2 and the Informant are friends. He submits that on the fateful day a friendly discussion turned into an altercations and thereafter in a fight. He submits that the alleged incident was out of the spur of the moment. He submits that there are no allegations of the Applicant having any intention to cause any harm or injury to the Informant. He submits that the Applicant does not have any criminal antecedent. He submits that the Applicant is a student of Engineering, studying at VIT Engineering College. On account of the incarceration, the Applicant is deprived of his

education.

6. Ms. Takalkar, learned APP for the State, submits that the injuries as per the injury certification are grievous. She tenders the injury certificate of the Informant, said certificate is taken on record and marked as "X" for identification. She submits that the Informant has lost eyesight of his left eye. She submits that there are witnesses to the fight which occurred between the Applicant, Accused no. 2 and the Informant. She submits that the investigation is almost complete and the chargesheet would be filed within a period of two weeks from today.

7. I have perused the records placed before me, the medical certificate (marked as "X") along with the able assistance of the learned advocates for the parties.

8. Perusal of the FIR indicates that the fight and the assault is a result of an altercations between friends. Allegations against the Applicant, indicates that the assault on the Applicant apparently was a result of a verbal spat between the Applicant and the Informant. There is no material on record to indicate that the assault was a pre-planned or pre-meditated assault. The dispute and the fight is amongst college going students.

9. Perusal of the brief history as narrated by the Informant at the time of his medical examination, which is recorded in the medical certificate (marked as "X") of the Informant, indicates that the Informant has stated before the medical officer that the injury to the eye was on account of the Informant having slipped and thereby falling on the open end of the metallic steel water bottle at his residence.

10. Investigation in the crime is almost complete. Applicant is a engineering student. Applicant does not have any criminal antecedents. Considering the nature of allegations and the material as referred to herein above, no purpose would be served by keeping the Applicant in jail. Continuation of the Applicant in jail would result in affecting the further studies of the Applicant. This is therefore, a fit case for release of the Applicant on Bail.

11. In view of the above, the present application is allowed on the following conditions:-

- a) Applicant is directed to be released on bail in C. R. No.219 of 2025, registered with Bharati Vidyapith, Police Station, Pune, on his furnishing PR bond in the sum of Rs.10,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

c) Applicant upon release, within 3 days shall furnish to the Investigation Officer, Bharati Vidyapith Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

d) Applicant shall appear before the concern Court and co-operate in the trial.

12. The Bail Application No.2198 of 2025 is disposed off.

[ASHWIN D.BHOBE, J.]