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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.2204 OF 2025

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Date: 2025.11.13
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Shubham Subhash Totare

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Niranjan Bhavake with Mr.Anurag Ramekar i/b Mr.Sushant J.
Tayade for the Applicant.

Mrs.Kranti T. Hiwrale, A.P.P. for the Respondent - State.

Mr.P.S. Sisode, API, Khed Police Station present in Court.

CORAM : SANDESH D. PATIL, J.
DATE : 11TH NOVEMBER, 2025.

P.C. :-

1. By the present Bail Application, the Applicant is seeking bail in connection with C.R. No.1 of 2024 filed on 1st January, 2024 under Sections 302, 307, 323, 504, 506 r/w 34 of the Indian Penal Code (hereinafter referred to as "IPC"). Later on, the victim succumbed and hence the provisions of Section 302 of IPC were also added. The case of the Complainant is that he and

the deceased had been to a hotel for dinner. The deceased was sitting on the motor-cycle outside the hotel. All of a sudden, three persons came there and started assaulting the deceased (Ashok Shankar Solase). Two persons out of them assaulted the deceased with stone and one person assaulted by hands and legs. The deceased was taken to the hospital as there was injury to his head.

2. Learned counsel for the Applicant states that he had not assaulted the deceased with stone and that injury certificate shows only injury was to the head and that too caused by hard and blunt object (stone). He states that the alleged incident, even as per the case of the Complainant, took place on the spur of the movement that that it was the case of only one single head injury. He relies upon the statement of Mr.Vijay Jadhav, Mr.Akash Khandagale, Savitribai Solase to buttress his submission. He states that the Test Identification Parade was conducted after nine months. He submits that the victim died after six months in hospital and that he had taken treatment in many hospitals before he expired. Learned counsel for the Applicant further states that although the

charges are framed on 1st January, 2025, there are thirty witnesses to be examined as per the case of the Prosecution. He states that the Applicant is a young person of 19 years and is studying in College. He states that the Applicant is arrested on 12th April, 2024. He states that in any event the offence under Section 302 of IPC would not be attracted.

3. Learned APP on instructions states that the allegations against the Applicant is that he assaulted the deceased with kicks and blows and that he was very well present on the spot. She states that there are other witnesses, who have witnessed the incident. She states that the chargesheet is already filed and investigation is over, the charges are also framed.

4. I have heard the learned counsel appearing for the parties. Admittedly, the Applicant has not assaulted the deceased with hard and blunt object (stone). The only allegations against the Applicant are that he assaulted the deceased with kicks and blows. I have perused the injury certificate, which shows that the

injury was sustained to the head by hard and blunt object (stone).

Prima-facie, I feel that this is not a case where the Applicant has assaulted the deceased on head. Admittedly, the cause of death of the deceased is injury to the head, there is no material on record to show that the Applicant has caused death of the deceased. The alleged scuffle occurred on spur of the moment without any premeditation.

5. Even otherwise, the Applicant is behind the bar since more than one and half years and there are about thirty witnesses to be examined. It will take some time to complete the trial. In my opinion, the Applicant deserves to be released on bail.

6. The Bail Application is accordingly allowed on the following conditions :-

- (i) The Applicant Shubham Subhash Totare be released on bail, in connection with C.R. No.1 of 2024 filed on 1st January, 2024 under Sections 302, 307, 323, 504, 506, r/w 34 of the Indian Penal Code on executing a PR Bond of Rs.50,000/- with one or more sureties in the like amount to the satisfaction of the concerned Court.

- (ii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
 - (iii) The Applicant will not enter into the jurisdiction of Khed Police Station, Pune (now Rajguru Nagar Police Station).
7. The Application stands disposed of accordingly.
8. All the parties to act on an authenticated copy of this order.

(SANDESH D. PATIL, J.)