

AGK

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

**BAIL APPLICATION NO.2280 OF 2025**

|                          |                |
|--------------------------|----------------|
| Tushar Dashrath Pawar    | ... Applicant  |
| <b>V/s.</b>              |                |
| The State of Maharashtra | ... Respondent |

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Mr. Manojprasad J. Bhatt for the applicant.

Ms. Supriya I. Kak, APP for the respondent-State.

Mr. Sharad Patil, API, Crime Branch, Thane Unit-5, is present.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 15, 2025**

**P.C.:**

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the applicant is seeking regular bail in connection with Crime Register No. 329 of 2022 registered with Kapurbawadi Police Station, Thane. The applicant is facing prosecution for offences punishable under Section 307 of the Indian Penal Code, 1860, Sections 3, 25, and 27 of the Arms Act, 1959, and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. The prosecution case, as per the First Information Report lodged by the wife of the victim, is that her husband is engaged in the business of stone crushing. It is alleged that the victim was having business-related disputes with one Sandeep Sanap, who

had been harassing the victim for money. The victim had purchased a stone crushing machine from one Sandeep Dhatrak and had paid the consideration amount by obtaining a loan from the bank. Despite this, said Dhatrak continued to harass the victim.

3. It is further alleged that one Ashish Ruparel, whose relative was a business partner of the victim, also began harassing the victim along with Sandeep Sanap, making unlawful demands for money and issuing threats of dire consequences.

4. The incident in question occurred on 7th October 2022 at around 8:40 p.m., when the victim rang the doorbell of his house. Upon hearing the bell, the victim's son, Sairaj, opened the safety door. At that moment, a gunshot was heard, and the victim fell to the floor. Sairaj allegedly saw an unknown person standing outside with a pistol in his hand. Acting instinctively, Sairaj picked up a plier and threw it at the said assailant, due to which the accused fled from the scene without firing a second shot.

5. The injured victim was immediately rushed by his family to Universal Hospital at Gokul Nagar and thereafter shifted to Vedan Hospital at Ghodbunder Road, Thane, for further treatment. The FIR came to be registered on the following day, i.e., 8th October 2022.

6. Learned Advocate for the applicant has submitted that the specific allegation against the applicant is that he allegedly instructed co-accused Rajkumar to eliminate the victim, which led to the said firing incident. It is argued that this allegation is not supported by any reliable material on record. The learned counsel

pointed out that the Call Detail Records (CDR) of the applicant do not indicate any telephonic contact between the applicant and co-accused Rajkumar either during the week preceding or following the incident. It is also submitted that co-accused Rajkumar has already been released on bail. The applicant is stated to have no past criminal record or antecedents, and therefore, on the ground of parity and his clean antecedents, the applicant has prayed for grant of regular bail.

7. On the other hand, learned APP has strongly opposed the grant of bail. It is contended that the applicant had a clear motive to cause harm to the victim owing to a monetary dispute, and that it is on account of this enmity that he allegedly conspired with Rajkumar to commit the offence. It is further submitted that the investigation has revealed incriminating material connecting the applicant with the offence. Hence, it is argued that this is not a fit case for grant of bail and the application deserves to be rejected.

8. I have considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. I have also perused the material available on record.

9. It is not in dispute that the main allegation against the present applicant is that he instructed co-accused Rajkumar to eliminate the victim. However, as rightly pointed out by the learned counsel for the applicant, the Call Detail Records (CDR) do not indicate any communication between the applicant and the said Rajkumar either immediately before or after the date of the incident. It is further noted that co-accused Rajkumar, who is

alleged to have directly executed the firing, has already been released on bail.

10. Insofar as the applicant is concerned, he is not alleged to have been present at the spot at the time of the incident. The prosecution has not brought on record any concrete or direct evidence at this stage to show his involvement in the conspiracy, except the alleged oral statement that he gave instructions. The investigation in the matter appears to be substantially complete. The applicant has no criminal antecedents to his discredit. He has cooperated with the investigation and is not stated to have misused the liberty granted to him earlier, if any.

11. Having regard to the nature of allegations, the material available on record, and considering the principle of parity, this Court is of the opinion that the applicant has made out a case for grant of regular bail. The possibility of the applicant tampering with the prosecution evidence or influencing witnesses can be taken care of by imposing suitable conditions.

12. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.329 of 2022 registered with Kapurbawadi Police Station, Thane for offences punishable under Sections 307 of the Indian Penal Code, 1860, Section 3, 25, and 27 of the Arms Act, 1959 and Section 37(1) and 135 of the Maharashtra Police Act, 1951, upon furnishing a personal bond of Rs.25,000/- (Rupees

Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Kapurbawadi Police Station, Thane as and when called by the investigating officer.
  - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
  - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
  - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
  - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
  - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
- 13.** The bail application is allowed and disposed of.

**(AMIT BORKAR, J.)**