

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

CRIMINAL BAIL APPLICATION NO. 2304 OF 2025

Santosh Balasaheb @ Balaso Shinde. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Pratik Jadhav, Advocate for the Applicant.

Mr. T.G. Khan, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JULY, 2025.

P.C. :

1. Heard Mr. Pratik Jadhav, learned Advocate for the Applicant and Mr. Khan, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 749 of 2024 registered with Jath Police Station, Dist-Sangli for the offences punishable under Section 103, 118(1), 115(1), 3(5) of the Bharatiya Nyay Sanhita, 2023. (for short “BNS”).

3. There are two accused in the crime. Applicant is accused No.2, who was arrested on 31st December, 2024, since then he is in jail.

4. Case of the prosecution is that the deceased was caught by the Accused No. 1 and Applicant while committing an act of theft of Applicant's mobile. During the said scuffle the deceased was injured, he later on succumbed to the injuries. Entire incident is captured on the CCTV Footage.

5. Mr. Pratik Jadhav, learned Advocate for the Applicant, submits that the incident occurred due to the illegal act of the deceased by which he was attempting to steal the mobile of the co-accused No. 1. The deceased was caught red-handed. He submits that in the said process there was a scuffle. He submits that the death of the deceased occurred after two days of the incident. He submits that Crime No. 749/2024, is now registered as Sessions Case No.101/2025 and the same is allotted to the Court of Additional Sessions Judge, Sangli.

6. Mr. Khan, learned APP for the State submits that the incident which is subject of the present crime is recorded in the CCTV Footage. He submits that the deceased was assaulted by the Accused No. 1 and Applicant. He submits that there is an eyewitness to the said incident. He submits that accused in the present crime are identified in the TI parade. He submits that the Investigation is complete and chargesheet is filed.

7. Perused the records with the assistance of the learned

Advocates for the parties.

8. Case of the prosecution is that the deceased was caught during the act of he stealing mobile phone of the Accused No. 1 and in the said bargain there was a scuffle. Injuries caused to the deceased are in the said scuffle. Said incident is captured in the CCTV Footage. Prima facie, this is not a premeditated act or an assault. Applicant is in custody since 31st December, 2024. Mr. Jadhav, for the Applicant submits that Applicant does not have any criminal antecedents.

9. Considering the nature of allegations against the Applicant, Investigation being complete and the charge-sheet filed, custody of the Applicant pending the trial is not warranted.

10. In view of the above Bail Application is allowed in the following terms:

(a) Applicant be released on bail in Crime No. 749 of 2024 registered with Jath Police Station, Sangli upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Sangli.

(b) Applicant shall report and appear before the investigation officer Jath Police Station on the 5th of each month from 10.00a.m. to 12.00p.m., till charge in the case is

framed.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Jath Police Station, Sangli.

(d) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence

11. Criminal Bail Application No. 2304 of 2025 is allowed in the aforesaid terms.

(ASHWIN D. BHOBE, J.)