

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

**CRIMINAL BAIL APPLICATION NO. 2309 OF 2025**

Dnyaneshwar Moru Tumkar. ... Applicant.  
Vs.  
The State of Maharashtra. ... Respondent.

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Mr. Priyal G. Sarda a/w. Mr. Rajesh Ranglani, Mr. Seema Dighe  
& Mr. Shubham Sane, Advocate for the Applicant.  
Mrs. Veera Shinde, APP for Respondent/State.  
PSI B.R. Jagdale, Talegaon MIDC Police Station, Pimpari  
Chinchwad.

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**CORAM : ASHWIN D.BHOBE, J.  
DATE : 16<sup>th</sup> JUNE, 2025.**

**P.C. :**

1. Heard Mr. Priyal Sarda, Learned Advocate for the Applicant and Mrs. Veera Shinde, learned APP for State.
2. By this Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant seeks bail in Crime No. 47 of 2025 registered with Talegaon MIDC Police Station, Pune for offence punishable under Section 109, 3(5) of BNS and under section 4(25), (27) of the Arms Act

and under section 37(1), 37(3), 135 of the Maharashtra Police Act. There are two accused in the present crime. The Applicant herein is Accused No. 1 who is 72 years of age. Son of the Applicant is Accused No. 2.

3. Case of the prosecution is that on 26<sup>th</sup> February, 2025, when the Informant/Complainant (Mahadev Namdev Tumkar) was proceeding to a temple, an altercations between the Informant/Complainant, the Applicant and his son (Navnath Tumkar) resulted in a brawl. Informant/Complainant was injured in the said assault, at the hands of the Applicant and his son.

4. Applicant and his son were arrested on 27<sup>th</sup> February, 2025 and since then, both are in jail.

5. Bail Application No. 163 of 2025 filed by the Applicant was dismissed by the learned Additional Sessions Judge, Vadgaon Maval, Pune on 7<sup>th</sup> May, 2025.

6. Mr. Sarda, learned Advocate for the Applicant submits that the Applicant is a senior citizen 72 years of age. He submits that the Applicant is not in a position to assault any person. He

submits that the injuries sustained by the Informant/Complainant are simple in nature. He submits that the investigation is complete and that the Applicant does not have any criminal antecedents.

7. Learned APP submits that the role of the Applicant in the present crime is referred to in the investigation and the injuries sustained by the Informant/Complainant are from the assault made by the Applicant. She submits that investigation is complete, recoveries have been made and charge-sheet has been filed. She further submits that there is no material available on record to indicate the Applicant having any criminal antecedents.

8. Perused the records with the able assistance of the learned Advocates.

9. Record of the case bears out that the Informant/Complainant is 77 years of age whereas the Applicant herein is 72 years of age. Accused No. 2 is a young man. From the allegations made in the crime, prima facie it does not appear that the Applicant can be said to have inflicted the injuries as

alleged in the crime. Injury certificate of the Informant/Complainant refers the injuries to be simple in nature. Even otherwise in the facts of the present Application, more so when the investigation is completed and charge-sheet is filed, custody of the Applicant who is 72 years of age, pending the trial, would not be required.

10. In view of the above, the Bail Application is allowed on the following conditions :

(a) The Applicant be released on bail in Crime No. 47 of 2025 registered with Talegaon MIDC Police Station, Pune, on 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 learned Additional Sessions Judge, Vadgaon, Maval, Pune.

(b) The Applicant shall attend the trial pending before the learned Additional Sessions Judge, Vadgaon, Maval, Pune on each date of hearing, unless exempted.

(c) The Applicant shall not influence or threaten the witnesses or tamper with the evidence.

11. The Criminal Bail Application No. 2309 of 2025 is allowed and disposed of.

[ ASHWIN D.BHOBE, J.]