

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

CRIMINAL BAIL APPLICATION NO. 2662 OF 2025

Rushikesh Alias Sonya Gulab
Suryawanshi ... Applicant.
Vs.
State Of Maharashtra ... Respondent.

Mr. Kalpesh Patil, Advocate for the Applicant.
Dr. Ashvini A. Takalkar, APP for Respondent/State.
Mr. P. K. Bankar-A.S.I., Umbraj Police Station, Satara.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th JULY, 2025.

P.C. :

1. Heard Mr. Kalpesh Patil, learned Advocate for the Applicant and Dr. Takalkar, learned APP for the 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. 146 of 2025 registered with Umbraj Police Station for the offences punishable under Sections 109, 115(2), 352, 351(2), 3(5), 3, 25 of the Bharatiya Nyay Sanhita, 2023 (for short “BNS”).

3. Mr. Kalpesh Patil, learned Advocate for the Applicant, submits that the above-mentioned crime is registered as RCC No.

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234 of 2025 and the same is allotted to the Court of the Additional Sessions Judge, Karad.

4. There are 4 Accused in the present crime. Applicant is Accused No.1.

5. Case of the prosecution is that on 18.03.2025 there was a quarrel in between the labourers of the Complainant and tractor driver of Makrand Suryawanshi (Accused No.-4). The said quarrel turned violent resulting in the Complainant being assaulted. Applicant is alleged to have participated in the said incident with a riffle and having fired gunshots in the air.

6. Bail Application filed by the Applicant and the other Accused was taken up together. By order dated 18th June, 2025, Bail Application of Accused Nos. 2,3 and 4 were allowed, whereas the request for bail made by the Applicant was rejected.

7. Mr. Patil learned Advocate for the Applicant, submits that the Applicant has been falsely implicated in the said crime. He submits that the allegations made against the Applicant are highly improbable. He further submits that the statements made in FIR are inconsistent in the context of the involvement of the Applicant. He further submits that even if the allegations are considered, then in such an event, also the offences charged against the Applicant would not be made out. He submits that there is no material

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against the Applicant to detain him in jail.

8. Dr. Takalkar, learned APP for the State, submits that the involvement of the Applicant is seen in the charge-sheet. She submits that material on record indicates the involvement and the participation of the Applicant in the said crime. She submits that recoveries are made, at the instance of the Applicant and the rifle, as well as an empty cartridge, are recovered.

9. I have perused the records with the assistance of the Court.

10. Nature of the allegations against the Applicant is that the Applicant participated in the quarrel between the other Accused and the labourers of the Complainant, by firing gunshots in the air. Investigation papers do not indicate the involvement of the Applicant in any other manner than firing the gun into the air. From the material on record, *prima facie*, there does not appear to be any intention on the part of the Applicant to kill the Complainant.

11. Investigation is complete, and the charge sheet is filed. Recoveries are also made at the instance of the Applicant. Considering the limited role attributed to the Applicant in the entire incident custody of the Applicant pending the trial is not warranted. Others accused in the said crime have been released on

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bail. Applicant is entitled to be released on bail.

12. Dr. Takalkar learned APP for the prosecution expresses an apprehension that release of the Applicant would amount in the Applicant tampering with evidence and or influencing the witnesses. Said apprehensions can be taken care by imposing conditions on the Applicant.

13. Mr. Kalpesh Patil states that if indulgence is shown to the Applicant, he has on instructions from the Applicant, to state that pending the trial, the Applicant shall not enter the territorial jurisdiction of Karad Taluka. Statement made by the Applicant is accepted.

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

(a) Applicant be released on bail in Crime No. 146 of 2025 registered with Umbraj Police Station upon furnishing P.R. Bond in the sum of Rs. 25,000/-each with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Karad.

(b) 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 such a person from disclosing the facts to the Court or any Police officer and should not tamper with evidence.

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

(d) Applicant shall not enter the territorial jurisdiction of the Karad Taluka, till conclusion of the Trial in RCC No. 234 of 2025.

15. Bail Application No. 2662 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)

GAYATRI
RAJENDRA
SHIMPI

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by GAYATRI
RAJENDRA
SHIMPI
Date:
2025.07.16
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