

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

CRIMINAL BAIL APPLICATION NO. 2708 OF 2025

Audumbar Shridhar Yadav ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Aniket Nikam a/w Mr. Dushyant Digamber, Advocate for the Applicant.

Dr. Ashvini A. Takalkar, APP for Respondent/State.

Mr. Uttam B. Rikame-Inspector of Police, Shriwardhan Police Thane District Raigad.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th JULY, 2025.

P.C. :

1. Heard Mr. Aniket Nikam, learned Advocate for the Applicant, Dr. Ashvini Takalkar, learned APP for Respondent-State.

2. By the present Bail Application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNNS), the Applicant is seeking bail in connection with C.R.No. 29 of 2025, registered with Shriwardhan Police Station, for the offences punishable under Sections 105, 126(2), 352 of BNS. Said crime is registered RCC No. 60 of 2025 and is pending before the Additional Sessions Judge, Mangaon, District Raigad.

3. Case of the prosecution is that a verbal altercation between the Applicant (Accused) and Sunil B. Aambawale, resulted into a fight. Sunil B. Aambawale an elderly person was hit by the Applicant with slaps and fist blows. On account of the said assault, Sunil B. Aambawale felt giddiness and fell on the front tire of the motorcycle owned by the Informant. Sunil B. Aambawale was taken to hospital by the Informant as well as the Applicant, where he was declared dead.

4. Applicant was arrested on 29th April, 2025 since then in jail. Criminal Miscellaneous Application No. 97 of 2025 filed by the Applicant seeking Bail, was rejected by the learned Additional Sessions Judge, Mangaon District Raigad, by order dated 25th June 2025.

5. Mr. Aniket Nikam, learned Advocate for the Applicant, submits that there was no intention on the part of the Applicant to cause any harm or injury to Sunil B. Aambawale. He submits that the altercation resulted in a fight. He submits that the altercation between the Applicant and Sunil B. Aambawale resulted into a fight, which was at the spur of the movement. He submits that it was the Applicant along with the Informant who carried Sunil B. Aambawale to the hospital, where unfortunately he was declared dead. He submits that the Applicant does not have any criminal antecedents and is a local businessman.

6. Dr. Ashvini Takalkar, learned APP for the State, submits that the Informant has named the Applicant as the assailant and has made reference to the assault on Sunil B. Aambawale by fist and blows. She tenders the post-mortem Report of Sunil B. Aambawale for perusal. She submits that the investigation is complete and the charge-sheet is filed. She submits that the investigation does not reveal the Applicant having any criminal antecedents.

7. I have perused the records with the assistance Advocates of the parties.

8. Records placed before me reveal that the altercation between the Applicant and Sunil B. Aambawale resulted in a fight, which appears to be at the spur of the movement. Said fact can be ascertained from the statements made by the witnesses who were present at the time of altercation as well as the fight. They make reference to Sunil B. Aambawale falling on the ground due to giddiness. Post-mortem Report does not indicate any injuries to Sunil B. Aambawale. Again it is a matter of record that it was the Applicant and the Informant who took Sunil B. Aambawale for medical treatment. *Prima facie*, the material indicates that the incidents occurred at the spur of the movement and there is no intention to kill attributable to the Applicant. Applicant does not have any criminal antecedents. Investigation is complete and charge-sheet is filed.

9. Considering the facts and the circumstances of the present case, continuation of the Applicant in jail pending the trial is not warranted. The Applicant is therefore entitled to bail.

10. In view of the above, this Application is allowed on the following terms:-

a) Applicant is directed to be released on bail in connection with Crime No. 29 of 2025, registered with Shriwardhan Police Station, 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, Mangaon, Dist. Raigad.

(b) Applicant shall regularly appear before the Additional Sessions Judge, Mangaon Dist. Raigad as and when the hearing in RCC No. 60 of 2025 is fixed, unless exempted by the Trial Court.

(c) Applicant shall report to the Investigation Officer, Shriwardhan Police Station, Raigad on every first Saturday of the month, till the framing of charge in RCC No. 60 of 2025.

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

(e) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Shriwardhan Police Station, Raigad, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

11. Criminal Bail Application No. 2708 of 2025 stands disposed of in the abovesaid terms.

(ASHWIN D. BHOBE, J.)

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