

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

CRIMINAL BAIL APPLICATION NO. 2881 OF 2025

Mr. Sidheshwar Dattatry Kalunke ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vishal Mohan Janrao, learned Advocate for the Applicant.
Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.
PSI Mr. Dilip Palve attached to Lonikand Police Station, Pune City is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 23rd JULY 2025.**

P.C. :

1. Heard Mr. Vishal Janrao, learned Advocate for the Applicant and Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent.
2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 839 of 2023 registered with Lonikand Police Station, Pune City for the offences punishable under Sections 302, 307, 326, 324 and 323 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).
3. Mr. Vishal Janrao, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 100 of 2024 and is pending on the file of learned Additional Sessions

Judge, Pune.

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

5. First Information Report is registered on 16th October 2025 by Sandip Haridas Shinde (Informant). Case of the prosecution is that Haridas, father of the Informant and Suhas, brother of the Informant were injured in an assault by the accused persons. Haridas and Suhas were assaulted by use of sickle, cement pole and by fist blows and kicks. Though Haridas survived in the said assault, Suhas succumbed to the injuries.

6. Applicant was arrested on 17th October 2023 and since then he is in jail. Criminal Bail Application at Exhibit-8 filed by the Applicant in Sessions Case No. 100 of 2024 was rejected by the learned Additional Sessions Judge, Pune by order dated 6th April 2024.

7. Mr. Vishal Janrao, learned Advocate for the Applicant submits that the Applicant is not named in the FIR. He submits that as per the FIR, the deceased and the injured were assaulted by cement pole and according to him, the death of deceased was due to the head injuries. He points out to page 63 of the paper-book, i.e., medical report of the deceased, which refers to a cause of death as 'death due to head injury'. He submits that there are no eye witnesses, who have made reference to the Applicant being involved in the present crime. On the basis of the abovesaid facts, he submits that no case is made out against the Applicant and therefore, Applicant is entitled for bail.

8. Ms. Madhavi Mhatre, learned A.P.P for the State/Respondent submits that the Applicant has been named by the injured and is assigned a specific role in the crime. Said role assigned to the Applicant is of using sword and assaulting Suhas by the said sword. She points out to the statements of Dynaneshwari Sandip Shinde, Shobha Haridas Shinde, Akshay Warghade and Parmeshwar Dahiphale, who have specifically referred to the name of Applicant and have implicated him in the assault on Suhas by use of sword. She further points out to the Memorandum of Post-mortem dated 17th October 2023 of Suhas and refers to the injuries mentioned in clause 17(1) to (15) and submits that most of the injuries are caused by use of dangerous weapon like sword. She submits that the sword has been recovered at the instance of Applicant. She therefore denies the submissions made by Mr. Vishal Janrao, learned Advocate for the Applicant, the same being contrary to the records.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Records reveal that the injured Haridas as well as three other prosecution witnesses, who are eye witnesses to the incident, have specifically referred to the name of Applicant in the assault on Suhas. Said prosecution witnesses have specifically attributed a role to the Applicant of inflicting blows with sword on Suhas. Medical report of Suhas indicates injuries, which can be caused by a dangerous weapon like sword. Recovery of sword is at the instance of Applicant. Complicity of Applicant in the crime is revealed from the statements of eye witnesses. *Prima facie*

material on record is sufficient to attract the offence as charged against the Applicant.

11. Given the gravity of allegations and the material indicating Applicant's role, Applicant is not entitled for bail.

12. In view of the above, Criminal Bail Application No. 2881 of 2025 stands rejected.

[ASHWIN D. BHOBE, J.]

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KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2025.07.23
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