

Nikita

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

BAIL APPLICATION NO.2955 OF 2025

Vilas Balaji Shinde

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Niranjan Bhavake a/w Drishti Madhani a/w
Swamini Thakur a/w Anurag Ramekar i/b Sushant
Tayade for the Applicant.

Mr. T. G. Khan, APP for the State.

Ms. Vaishali Ajagagekar, API, Nigadi Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 29th JULY, 2025

P.C.:

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.693 of 2022 registered with Nigadi Police Station, Pune for the offences punishable under Sections 302, 323, 34 of IPC. Said crime is registered as Sessions Case No.154 of 2023 and is pending before the Additional Sessions Judge, Pune.
3. There are two Accused in the said crime.

4. Bail Application filed by the Applicant at Exhibit-7 in Sessions Case No.154 of 2023 was dismissed by the Additional Sessions Judge, Pune by order dated 11.07.2025.
5. Case of the prosecution is that on 24.09.2022 (Sagar Kamble) deceased was seen with the Applicant (Accused No.2) and Sadadev Sarwade going to Dawa Bazar. Sagar was found lying in pool of blood and a stone with blood was lying near him.
6. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that though there was altercation between the Applicant, Accused No.1 and Sagar, which resulted in a fight with kicks and blows, the said dispute amongst them was subsequently reconciled and therefore, all the three persons were seen together consuming alcohol. He submits that Nabila Attar has stated that Sagar with blood on his face was seen with the Accused No.1 and Applicant on 24.09.2022 sitting and consuming alcohol. He submits that there is no material to implicate the Applicant in connection with the murder of Sagar.
7. Mr. T. G. Khan, learned APP for the State submits that CCTV footage dated 24.09.2022 indicates the Applicant and Accused No.1 having a fight with the deceased. He submits that they were seen beating Sagar with kicks and blows. He submits that a blood stained shoe was recovered at the instance of the Applicant. He submits that the Applicant and Accused No.1 were last seen with the deceased. He submits that there is sufficient material to show the involvement of the Applicant in the present crime.
8. I have perused the record with the assistance of learned

Advocates for the parties.

9. Records indicate that the Applicant, Accused No.1 and Sagar were involved in a fight. As per the material available on record, the Applicant, Accused No.1 and Sagar are seen fighting with kicks and blows. CCTV footage has captured the said fight. Mr. Niranjan Bhavake has submitted that after the fight, all the three persons reconciled their differences and they were enjoying drinks. Sagar with blood on his face was having drinks with the Applicant and the Accused No.1 is referred to in the statement of Nabilal Attar.

10. Postmortem examination of Sagar indicated that the cause of death was a head injury. Prosecution claims that the death is caused by use of a stone. There is no eye witness to the crime. Accusation against the Applicant is based on last seen theory. Prima facie, the material on record does not indicate any motive for the Applicant to commit murder. Last seen theory would be applicable when the time gap is so small that no third party could have intervened, such issues will have to be considered at the stage of trial.

11. Applicant is in jail for two years and 10 months. Mr. Bhavake, learned Advocate for the Applicant submits that till date charge in Sessions Case No.154 of 2023 is not framed. Applicant does not have any criminal antecedents. Considering the above said facts, incarceration of the Applicant pending the trial is not warranted.

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

- a) Applicant is directed to be released on bail in connection with C. R. No.693 of 2022 registered with Nigadi Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.
 - b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Pune, in Sessions Case No.154 of 2023 on each date of hearing, unless specifically exempted by the Court.
 - c) 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 them from disclosing the facts to the Court or any police officer and shall not tamper with evidence.
 - d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Nigadi Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.
- 13.** The Bail Application No.2955 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)