

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

CRIMINAL BAIL APPLICATION NO. 2972 OF 2025

Akshay Shankar Walunjkar

... Applicant

Vs.

State of Maharashtra

... Respondent

Mr. Viresh Purwant a/w Mr. Suraj V. Gadkari, Advocate for the Applicant.

Mr. T. G. Khan, APP for Respondent/State.

Mr. Rahul Anil Salunke, Madha Police Station, Solapur.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JULY, 2025.

P.C. :

1. Heard Mr. Viresh Purwant, learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the Respondent-State.

2. By the present Application, Applicant is seeking bail in Crime No. 204 of 2025 registered with Madha Police Station for the offences punishable under Sections 103(1), 189(2), 190, 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023. Said crime is registered as Sessions Case No. 18 of 2025.

3. There are five Accused in the present crime. Applicant is Accused No.5.

4. Case of the prosecution is that Santosh Dagdu Bhanawse (deceased) had come to meet the wife of Accused No.1. An altercation between Santosh Dagdu Bhanawse and the Accused turned violent,

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resulting in assault on Santosh Dagdu Bhanawse with weapon like plastic pipe, belt, kick and hand blows. Santosh Dagdu Bhanawse succumbed to the injuries caused in the said assault. Motive in the said crime is that Santosh Dagdu Bhanawse, used to frequently visit the house of Accused No.1 to meet the wife of Accused No.1 in his absence of Accused No.1.

5. Applicant was arrested on 30th October, 2024 since then he is in jail. Criminal Bail Application at Exhibit - 4 filed by the Applicant in Sessions Case No.18 of 2025 was rejected by the Additional Sessions Judge, Barshi on 5th July, 2025.

6. Mr. Viresh Purwant, learned Advocate for the Applicant, submits that the FIR does not attribute any motive to the Applicant to commit the crime. He submits that the motive is attributed to Accused No.1. He submits that the assault on Santosh Dagdu Bhanawse was essentially by the other Accused with the use of plastic pipe, belt and gas pipe. He submits that though there are three eyewitnesses in the crime, none of them have alleged that the Applicant having used any of the said weapons to assault Santosh Dagdu Bhanawse. He submits that Applicant is alleged to have assaulted Santosh Dagdu Bhanawse with kicks & hand blows. He submits that the Applicant does not have any criminal antecedents. He submits that the investigation being complete and charge-sheet being filed the presence of the Applicant in jail is not required.

7. Mr. T. G. Khan, learned APP for the State, submits that the involvement of the Applicant in the present crime is established. He submits that the Applicant was seen assaulting Santosh Dagdu

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Bhanawse with fists blows & kick.

8. I have perused the records with the assistance of the learned Advocates.

9. Perusal of the charge-sheet reveals that though the Applicant was said to be present at the time of assault on Santosh Dagdu Bhanawse, however, there is no allegation of the Applicant using any of the weapons which are said to have been used for assaulting Santosh Dagdu Bhanawse. Applicant is alleged to have participated in the said crime by assaulting Santosh Dagdu Bhanawse with kicks & hand blows. Records do not indicate any motive as far as the Applicant is concerned. Motive is attributed to the Accused No.1 as submitted by Mr. Viresh Purwant. Applicant is in jail for almost 10 months. Applicant does not have criminal antecedents as submitted by Mr. Viresh Purwant, learned Advocate for the Applicant.

10. In view of the above, considering the material against the Applicant, continuation of the Applicant in jail during pendency of trial is not warranted.

11. Bail Application is allowed, on the following conditions :-

(a) Applicant be released on bail in Crime No. 204 of 2025 registered with Madha 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, Barshi.

(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.

(c) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Madha Police Station, Solapur, 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.

(d) Applicant shall attend and regularly appear before the Additional Sessions Judge Barshi, Solapur, in Sessions Case No.18 of 2025 on each date of hearing, unless specifically exempted by the Court.

12. Criminal Bail Application No. 2972 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)

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SHIMPI

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Date: 2025.08.04
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Gayatri Shimpi

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