

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

CRIMINAL BAIL APPLICATION NO. 3063 OF 2025

Yash Mahadeo Gopi ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Shailesh Kharat a/w A. R. Chikate, Mr. Tanmay Kate i/b Mr. Kiran Ubhe & Mr. Vipul Dushing, Advocate for the Applicant.

Mr. A. A. Palkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th AUGUST, 2025.

P.C. :

1. Heard Mr. Shailesh Kharat, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the Respondent-State.

2. By the present Application, Applicant is seeking bail in Crime No. I-340 of 2021 registered with Bhosari, Police Station, Pune for the offences punishable under Section 302. Said crime is registered as Sessions Case No.808 of 2021 and is pending before the Court of Additional Sessions Judge, Pune.

3. Case of the prosecution is that in a quarrel between the Applicant and Anil Shinde (deceased), deceased Anil was assaulted by the Applicant with an unshaped stone, cement block and pieces of tiles. deceased Anil succumbed to the injuries caused due to the assault.

4. Applicant was arrested on 1st June, 2021, since then the Applicant is in jail. Bail Application at Exhibit-7 filed by the Applicant in

Sessions Case No.808 of 2021, was rejected by the Additional Sessions Judge, Pune on 5th July, 2024.

5. Mr. Shailesh Kharat, learned Advocate for the Applicant, submits that the quarrel and the subsequent assault on deceased Anil was not a premeditated act. He submits that the quarrel started at the spur of the moment, which resulted in the fight. He submits that the Applicant had no intention to commit murder of deceased Anil.

6. Mr. A. A. Palkar, learned APP for the State, submits that the quarrel and the fight between the Applicant and deceased Anil, was noticed by eyewitnesses. He submits that the witnesses have stated that in the quarrel which led to the fight, resulted in deceased Anil being assaulted by the Applicant with the use of stones and bricks. He submits that the said assault resulted in fatal injuries to deceased Anil.

7. I have perused the record with the able assistance of learned Advocates for the parties.

8. Records reveal that the altercation triggered into a fight between the Applicant and deceased Anil. Material on record reveals that a sudden fight took place between Applicant and deceased Anil and in the hit of passion Applicant assaulted deceased Anil, causing serious bodily injuries. There is no material to suggest that Applicant had assaulted deceased Anil with intentions to cause his death. Thus, it is a case of homicidal death. Assault by the Applicant on deceased Anil is without any premeditation. Considering the nature of allegations and the material on record, prima facie it appears to be a case which would fall within the exception 4 of Section 300 IPC. (see Atul Thakur Vs.

State of Maharashtra)¹

9. Mr. Shailesh Kharat, submits that till date, a single witness out of the 26 witnesses listed by the prosecution, has been examined. He submits that the trial of Sessions case No. 808 of 2021 would be delayed.

10. Mr. A. A. Palkar, learned APP for the State submits that the prosecution has apprehensions of the Applicant tampering with the evidence and interfering with the prosecution witnesses and therefore requests for stringent conditions including a conditions that the Applicant shall not enter the jurisdiction of Pune city pending the trial.

11. Mr. Shailesh Kharat, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant shall not enter the jurisdiction of Pune District till the conclusion of Sessions Case No. 808 of 2021. Statement accepted.

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

(a) Applicant be released on bail in Crime No. I-340 of 2021 registered with Bhosari, Police Station, Pune 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 Special Session Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

¹ AIR 2018 SC 570

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 his residential addresses with proof and contact details to the Investigating Officer, Bhosari Police Station, Pune.

(d) Applicant shall co-operate in the conduct of the trial of Sessions Case No. 808 of 2021 and shall regularly attend the hearing of the said case pending before the Additional Session Judge, Pune, unless exempted from appearance.

(e) Applicant shall not enter the territorial jurisdiction of Pune District till the conclusion of Sessions Case No. 808 of 2021.

13. Criminal Bail Application No. 3063 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)

GAYATRI
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SHIMPI

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by GAYATRI
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