

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

Bail Application No.3250 of 2025

Satish Prabhakar Waykande

Age: 33 yrs, Occ: Nil

R/o Dhakambe, Tal: Dindori

District-Nashik.

(At present in Nashik, Nashik

Road Central Prison)

... Applicant

Vs.

The State of Maharashtra

through Dindori Police Station,

CR No.394 of 2024

... Respondent

Ms Savvy Kolhekar i/by Aniket Vagal, for the applicant.

Mr SV Walve, APP, for the respondent / State.

PSI SI Netavate, Dindori Police Station.

Coram : R.N.Laddha, J.

Date : 4 December 2025.

P.C. :

By this application, the applicant seeks bail in connection with CR No.394 of 2024, registered at Dindori Police Station, Nashik, for offences punishable under Sections 103(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that, on 8 October 2024, the applicant, acting in connivance with the co-accused, allegedly assaulted one Kiran (the deceased). The prosecution

asserts that the applicant and the co-accused were motivated by a suspicion of an illicit relationship between the applicant's wife, Poonam, and the deceased. It is alleged that, pursuant to this suspicion, they voluntarily caused bodily harm to Kiran by inflicting fist and kick blows. It is further the prosecution's case that, following the said assault, Kiran was immediately admitted to a hospital for medical treatment, where he ultimately succumbed to the injuries sustained in the incident on 12 October 2024.

3. Ms Savvy Kolhekar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that on the date of the alleged incident, upon the applicant unexpectedly encountering the deceased in the company of his wife, the deceased, upon noticing the applicant's presence, attempted to flee the scene in a state of apparent panic. In the course of such flight, the deceased inadvertently lost his footing, accidentally fell into a nearby well, and sustained injuries. This incident had occurred on 8 October 2024 and notably the deceased died on 12 October 2024. There was no intention on the part of the applicant to commit the said offence. Furthermore, the co-accused, whose role is similar to that of the applicant, has already been granted

bail, and the applicant is entitled to the benefit of parity. The applicant has been languishing in jail since 13 October 2024, and there has been no substantial progress in the trial. The applicant is ready to abide by any conditions deemed fit by this Court, including to reside outside the jurisdictional limits of the Dindori Police Station until the conclusion of the trial.

4. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail, citing the seriousness and gravity of the offence. He submits that the applicant, in a brazen act of violence, launched an attack on the deceased, assaulting him with punches and kicks. The learned APP expresses apprehension that, if granted bail, the applicant may tamper with evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions advanced across the Bar and perused the material placed on record. A bare reading of the statement of eyewitness Poonam *prima facie* discloses that, on 8 October 2024, she encountered the deceased near the Shri Krishna Temple. While both of them were conversing in the dark, the applicant is stated to have arrived at the location, observed them together, and apprehended them. The deceased, apparently apprehensive

of the applicant's presence, attempted to flee the spot and, in that process, fell into an adjoining well. After managing to extricate himself, he was allegedly subjected to assault by the applicant and the co-accused. The statement of the witness further reveals that villagers subsequently intervened, whereupon the deceased was permitted to leave and proceeded toward the village stand. It is pertinent to note that, at no stage of the investigation or prosecution, has there been any allegation that the applicant caused or inflicted injuries upon the deceased by the use of any weapon whatsoever. The nature, extent, and alleged causative correlation of the injuries noted in the post-mortem examination are matters that fall strictly within the realm of judicial appreciation during the course of trial, and cannot be conclusively attributed to the applicant at this preliminary stage. This assumes greater significance in view of the prosecution's own case, which asserts that the deceased fell into a well and thereby sustained certain injuries. Moreover, the post-mortem findings, *prima facie*, indicate that the cause of death was attributable to the consumption of an unidentified poisonous substance, allegedly coupled with a physical assault, the occurrence, veracity, and legal consequences of which remain to be established through evidence at trial. It is an undisputed position that no incriminating article or material

has been recovered from the possession of the applicant.

6. Furthermore, the co-accused, whose role is stated to be identical to that attributed to the applicant, has already been enlarged on bail. The applicant has been languishing in jail since 13 October 2024, and the charges are yet to be framed. The prosecution proposes to examine as many as twenty witnesses, and there is no reasonable prospect of the trial concluding in the near future. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions. The applicant has also undertaken to remain outside the jurisdiction of the Dindori Police Station until the conclusion of the trial.

7. In view of the totality of the circumstances, including the principle of parity, the material available on record, the period of the applicant's incarceration, and the stage of the proceedings, this Court is persuaded to extend the benefit of bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.394 of 2024, registered at Dindori Police Station, Nashik, upon

executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall refrain from entering the territorial jurisdiction of the Dindori Police Station until the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

(v) The applicant shall inform the Inspector of the concerned Police Station about his residential and contact details and update him about any subsequent changes forthwith.

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]