

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

CRIMINAL BAIL APPLICATION NO. 3288 OF 2025

Abhishek Babaji Yewale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shirish Gupte, learned senior Counsel a/w Mr. Aniket Vagal, Ms. Juhi Kadu, Ms. Savvy Kolhekar and Mr. Nilesh Kumbhar, learned Advocates for the Applicant.

Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

PSI Mr. Prashant Relekar attached to Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 21st AUGUST 2025.

P.C. :

1. Heard Mr. Shirish Gupte, learned Senior Counsel along with Mr. Aniket Vagal, learned Advocate for the Applicant and Ms. Anamika Malhotra, 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. 265 of 2024 registered on 27th November 2024 with Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 103(1) & 109 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short), Section 4(25) of the Indian Arms Act, 1959 and Sections 37(1), 37(3) & 135 of the

Maharashtra Police Act, 1951.

3. Mr. Shirish Gupte, learned senior Counsel for the Applicant submits that Crime No. 265 of 2024 is registered as Sessions Case No. 38 of 2025 and is pending on the file of Additional Sessions Judge, Vadgaon Maval, District-Pune.

4. There are 2 accused persons in the present crime. Applicant is Accused No. 2, whereas Akshay Dattatray Yewale is Accused No. 1.

5. First Information Report was registered on the basis of a complaint lodged by Ashok Nivrutti Pawar (Informant). Case of the prosecution is that in a quarrel in front of hotel Jay Malhar, Prasad @ Kiran Ashok Pawar (deceased) and Abhishek Ashok Yewale (injured), were assaulted by Accused No. 1 and the Applicant herein. Weapon used in the said assault was sickle. Deceased Prasad succumbed to the injuries inflicted on him by Accused No. 1, whereas injured Abhishek suffered injuries.

6. Applicant was arrested on 8th December 2024. Criminal Bail Application at Exhibit-7 filed by the Applicant in Sessions Case No. 38 of 2025, was rejected by the learned Additional Sessions Judge, Vadgaon Maval, District-Pune by order dated 30th July 2025.

7. Mr. Shirish Gupte, learned senior Counsel appearing for the Applicant submits that the injured Abhishek Yewale though has referred to the presence of Applicant at the time of assault, however, injured Abhishek Yewale has specifically named Akshay Yewale (Accused No. 1) as the person holding the sickle and

assaulting deceased Prasad and him. He points out to the statement of Prashant Rajendra Relekar, before whom Extra Judicial Confession was made by Accused No. 1, wherein he had confessed of assaulting deceased Prasad with sickle. He submits that apart from the name of Applicant being taken by the injured Abhishek Yewale, there is no other material on record to implicate the Applicant in the said crime. To clarify, he submits that there is no material in the charge-sheet to show that the Applicant had assaulted deceased Prasad with the sickle. He submits that the statements of injured Abhishek Yewale and Prashant Relekar point out a finger to the Accused No. 1 being the assailant, who assaulted deceased Prasad with a sickle.

8. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent submits that injured Abhishek Yewale has made a reference to the Applicant being present at the time of assault. She further submits that injured Abhishek Yewale has assigned a specific role to the Accused No.1 in the said assault.

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

10. Allegations against the Applicant in Crime No. 265 of 2024 are of Applicant being present at the time of assault on deceased Prasad and the injured Abhishek Yewale. Same is found in the statement of injured Abhishek Yewale. Perusal of the statement of injured Abhishek Yewale, does not indicate the Applicant having participated in the assault on deceased Prasad, which assault was by way of a sickle. Ms. Anamika Malhotra, learned A.P.P. for the

State/Respondent was unable to point out any overt act on the part of the Applicant/material on record to show the Applicant having participated in the assault on deceased Prasad or injured Abhishek Yewale. However, by placing reliance on the statements of injured Abhishek Yewale and Prashant Relekar, Ms. Anamika Malhotra submitted that it is Accused No. 1, who has assaulted deceased Prasad with sickle. *Prima facie* from the material on record, complicity of Applicant in the assault, is not established. In the facts and circumstances of the present case, mere presence of the Applicant at the time of assault, as stated by the injured Abhishek Yewale, would not be a ground to detain the Applicant in custody, pending trial.

11. Mr. Shirish Gupte, learned senior Counsel submits that the Applicant does not have any criminal antecedents. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent confirms the said fact.

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 Crime No. 265 of 2024 registered with Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 103(1) & 109 of the BNS, Section 4(25) of the Indian Arms Act, 1959 and Sections 37(1), 37(3) & 135 of the Maharashtra Police Act, 1951 on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with

one or two local sureties in the like amount to the satisfaction of the Additional Sessions Judge, Vadgaon Maval, District-Pune.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such a person from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness in any manner.
- d. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 38 of 2025, pending on the file of Additional Sessions Judge, Vadgaon Maval, District-Pune, on each and every date, unless exempted from appearance.
- f. Applicant shall report/attend before the Investigating Officer, Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad on the 1st Saturday of every month from

10.00 a.m. to 1.00 p.m. till framing of the charge in
Sessions Case No. 38 of 2025.

13. Criminal Bail Application No. 3288 of 2025 stands disposed
of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2025.08.22
11:44:38 +0530