

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

CRIMINAL BAIL APPLICATION NO. 3311 OF 2025

Vaibhav Ravindra Shelke ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Niranjan Bhavake a/w Drishti Madhani, Krupa Hasurkar, Anurag Ramekar i/b Mr. Sushant Tayadde, Advocate for the Applicant.

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

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd SEPTEMBER, 2025.

P.C. :

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the Respondent.

2. By the present Bail Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the Applicant is seeking bail in connection with Crime No. 219 of 2025, registered with Bharati Vidyapith Police Station, Pune, for the offences punishable under Sections 117(3), 118(1), 115(2) and 352 read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

3. Case of the prosecution is that the Applicant (Accused No. 2), his friend Accused No.1 (Om Pratap Raut) and the Informant are friends. An argument amongst the friends turned into altercations resulting in a fight amongst themselves. In the said fight, the Informant is said to have suffered injuries to his eye, which is of grievous nature. Applicant is said to have assaulted the Informant by fist blows.

4. Applicant along with the Accused No. 1 was arrested on 21st April, 2025. Bail Application No.2838 of 2025 filed by the Applicant was dismissed by the Additional Sessions Judge, Pune on 19th June, 2025.

5. Mr. Niranjan Bhavake, learned Advocate for the Applicant submits that the Applicant, Accused No.1 and the Informant are friends. He submits that on the fateful day a friendly discussion turned into an altercation and thereafter in a fight. He submits that the alleged incident was out of the spur of the moment. He submits that there are no allegations of the Applicant having any intention to cause any harm or injury to the Informant. He submits that the Applicant does not have any criminal antecedent. He submits that the Applicant is a student of Engineering, studying at VIT Engineering College. On account of the incarceration, the Applicant is deprived of his education. Accused No. 2 is released on bail vide order dated 24th June, 2025.

6. Mr. A. A. Palkar, learned APP for the State, submits that the injuries as per the injury certificate are grievous. He submits that the injury certificate of the Informant is on record. He submits that the Informant has lost eyesight of his left eye. He submits that there are witnesses to the fight, which occurred between the Applicant, Accused No.1 and the Informant. He submits that the investigation is complete and the charge-sheet is filed.

7. I have perused the records placed before me and the medical certificate (Page No.66) along with the assistance of the learned advocates for the parties.

8. Perusal of the FIR indicates that the fight and the assault is a result of an altercation between friends. Allegations against the Applicant indicates that the assault on the Applicant apparently was a result of a verbal spat between the Applicant and the Informant. There is no material on record to indicate that the assault was a pre-planned or pre-meditated assault. The dispute and the fight are amongst college going students.

9. Brief history as narrated by the Informant at the time of his medical examination, which is recorded in the medical certificate (Page No.66) of the Informant, indicates that the Informant has himself stated before the medical officer that the injury to the eye was on account of the Informant having slipped and thereby falling on the open end of the metallic steel water bottle at his residence.

10. Investigation in the crime is complete. Applicant is an engineering student. Applicant does not have any criminal antecedent. Considering the nature of allegations and the material as referred to herein above, no purpose would be served by keeping the Applicant in jail. Continuation of the Applicant in jail would result in affecting the further studies of the Applicant. This is therefore, a fit case for release of the Applicant on bail.

11. In view of the above, the present application is allowed on the following conditions:-

- (a) Applicant is directed to be released on bail in Crime No.219 of 2025, registered with Bharati Vidyapith, Police Station, Pune, on his furnishing PR bond in the sum of

Rs.10,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

(b) 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 such 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 Investigation Officer, Bharati Vidyapith 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.

(d) Applicant shall appear before the concern Court and co-operate in the trial.

12. Criminal Bail Application No. 3311 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)