

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3335 OF 2025**

Rakesh Abarao Vavale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. A R Bukhari, *for the Applicant.*

Ms. Manisha R. Tidke, *APP for the Respondent - State.*

PSI – Suresh Dhole, Bhiwandi Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 28TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.218 of 2024 registered with the Bhiwandi City Police Station, for the offences punishable under Sections 302, 307, 324, 504 read with Section 34 of the Indian Penal Code, 1860 ('IPC').

2. There are cross FIRs. FIR bearing No.217 of 2024 is registered on a complaint made by the Applicant's mother namely Smt. Bakulabai Abarao Vavale. She complained that

on 29th January 2024 when she and her family were sitting outside their house, one lady in the neighborhood came and informed them that her nephew was being beaten by some neighboring boys. She went along with her relatives to look for her nephew and try to stop quarrel. However, both the sides were assaulting each other with wooden sticks and hands. Thus, it was Smt. Vavale's complaint that her nephew was beaten up by Ramesh Tribhuvan, Umesh Tribhuvan and Shrikant Waghmare, all residents of same locality.

3. Contrary to the said FIR, the FIR bearing No.218 of 2024 was registered on a complaint by one Shrikant Datta Waghmare i.e. the absconding assailant. According to him, also there was a fracas between the parties, and he stated that Smt. Valave's son, Rakesh came and assaulted his friends namely Umesh Tribhuvan, Ramesh Tribhuvan and Rupesh Gaikwad. There is a supplementary statement dated 13th February 2024, of Shrikant Datta Waghmare. According to him, since some of them suffered grave injuries, were taken to

the hospital. However, Ramesh was mistakenly left behind. Ramesh was also beaten up during the assault and suffered injuries. Nobody paid attention to him at that time. Waghmare was taken to the hospital by his relatives. They totally forgot about the Ramesh Tribhuvan and thought that he also must have been taken to the hospital by someone. Thereafter on 7th February 2024, after a period of 5 to 6 days said Ramesh Tribhuvan was discovered, in an injured and unconscious state. He was taken to the hospital but, he succumbed to his injuries. Hence, the FIR initially registered under Section 307 of the IPC was converted in an offence punishable under Section 302 of the IPC.

4. The present Applicant made an application seeking bail before the Additional Sessions Judge, Bhiwandi, however, by order dated 11th October, 2024, the Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

5. Mr. Bukhari, learned counsel for the Applicant, submits that the entire quarrel taken up between the parties and each side assaulted the other. There is also a cross FIR registered on the same date. Persons of both the sides were injured in the scuffle. The deceased was also injured. He submits that there is no material on record to indicate that it is the present Applicant who caused death of said Ramesh Tribhuvan since, Ramesh was nowhere to be found for a period of 5-6 days after the quarrel. Thereafter he was found in an unconscious condition. There is no material on record to establish what happened between 29th January 2024, i.e., the day of the quarrel and 7th February 2024, when the deceased was found in an unconscious condition. Hence according to Mr. Bhukari, the Applicant cannot be held responsible for causing Ramesh's death. In these circumstances, he prays that the Applicant be released on bail.

6. Ms. Tidke, learned APP representing the State, contests the bail application. She submits that there are

eyewitnesses who have witnessed the quarrel and Applicant inflicting blows on the deceased with a wooden stick. She submits that the offence is serious and hence prays that the Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. Admittedly, there was a scuffle between the two sides in the same locality. Each person was beating the other. Persons of both the sides were assaulted by the other side. There are witnesses stating that the present Applicant was seen beating up the deceased with a wooden stick. All of them were taken to the hospital but strangely, they all forgot the deceased. They ignored deceased Ramesh Tribhuvan, as his brother Waghmare, suffered more injuries and was taken to the hospital immediately. Ramesh was found on 7th February 2024 in injured condition. He was taken to the hospital where he succumbed to the injuries on 15th February 2024. In view

of the material on record including the statement of witnesses, there is a cloud of doubt pertaining to the role of the present Applicant. The deceased was not found for as many as 5 to 6 intervening days between 29th January 2024 and 7th February 2024. In these circumstances, *prima facie* there is possibility that the death of Ramesh Tribhuvan may not have been on account of beating given by the Applicant. The Applicant is in custody from 15th February 2024 and Accused No.2 is still absconding. Charges have not been framed yet, and it is unlikely that trial will conclude in the foreseeable future. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) The Applicant shall enter the jurisdiction of Bhiwandi City Police Station until conclusion of the trial;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)