

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3614 OF 2025

1. Yash Sunil Kalate
2. Maroti Kishan Gundekar. ...Applicants.

Versus

State Of Maharashtra. ...Respondents.

Mr. Raoul Sawant a/w. Mr. Prabhakar M. Jadhav, Advocate for the Applicants.

Ms. Shilpa G. Talhar, APP for the Respondent/State.

PSI R.R. Patil, Hinjewadi Police Station, Pimpri Chinchwad.

CORAM: ASHWIN D. BHOBE, J.

DATED: 11th DECEMBER, 2025.

PC:-

1. Heard Mr. Raoul Sawant, learned Advocate for the Applicants and Ms. Shilpa Talhar, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicants are seeking Regular bail in Crime No. 208 of 2025, registered with Hinjewadi Police Station, Pimpri Chinchwad, Dist. Pune for the offences punishable under Section 103 read with Section 3(5) of Bharatiya Nyay Sanhita, 2023 (for short "BNS").

3. Case of the prosecution is that on 10th April, 2025 at about 8.30 p.m. at Suma Chindaji Bhumkar Chowk, Wakad, Pune, Rahul Gewande (deceased), husband of Sharada Gewande (first informant) was urinating in the open place. Applicants abused and assaulted the deceased Rahul by fists and kick blows on the reason of urination. Deceased Rahul sustained injuries in the said assault and was admitted to hospital. He was discharged from hospital. Deceased Rahul passed away on 12th April, 2025.

4. Applicant No. 1 is accused No. 1 whereas Applicant No. 2 is accused No. 2 in Crime No. 208 of 2025. Applicants were arrested on 12^h April, 2025. Bail Application No. 4429 of 2025 filed by the Applicant No. 1 was rejected on 14.08.2025. Bail Application No. 3133 of 2025 filed by the Applicant No. 2 was rejected on 30.06.2025.

5. Mr. Raoul Sawant, learned Advocate for the Applicants submits that there is no material indicating the Applicants involvement in the present Crime. He submits that after the alleged assault deceased Rahul was admitted to the hospital and he passed away after two days. He submits that there is no motive or any intentions alleged against the Applicants to kill deceased Rahul. He submits that the Applicants do not have any criminal antecedents.

6. Mrs. Shilpa Talhar, learned APP for the Respondent-State submits that the assault on deceased Rahul happened on account of he urinating in the open space. She points out to the statement of Prakash Dodmani to contend that he has seen the Applicants assaulting the deceased Rahul.

7. Perused the records with the assistance of the learned Advocates for

the parties.

8. Records of Crime No. 208 of 2025 reveal that the incident of 10th April 2025 is alleged to have happened on account of deceased Rahul urinating in the public open space. After the assault as alleged, deceased Rahul was initially admitted in Government hospital. Informant took his discharge from Government Hospital and took him home. He was thereafter taken to D.Y. Patil Hospital. Deceased Rahul passed away on 12th April 2025 at D.Y. Patil Hospital.

9. Prima facie the alleged assault on deceased Rahul appears to be on account of the nuisance caused by deceased Rahul due to his act of urination. Material on record does not indicate any intention on the part of the Applicants to kill deceased Rahul. Investigation is complete and charge-sheet is filed. Considering the material on record, custody of the Applicant pending trial would not be warranted.

10. Mrs. Shilpa Talhar, learned APP submits that though the records of the Investigating Officer do not indicate any criminal antecedents of the Applicants, however she raises an apprehension of the Applicants interfering with the witnesses and/or threatening the prosecution witnesses, if released on bail. She submits that the Applicants should not be permitted to enter the jurisdiction of Hinjewadi Police Station till the conclusion of trial.

11. Mr. Raoul Sawant, learned Advocate for the Applicants on instructions from the Applicants states that the Applicants shall not enter the jurisdiction of Hinjewadi Police Station till the material witnesses in said Crime No. 208 of 2025 are examined by the Court. Statement is accepted.

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

(a) Applicants be released on bail in Crime No. 208 of 2025 registered with Hinjewadi Police Station, Dist. Pune upon furnishing P.R. Bond in the sum of Rs. 25,000/- each, with two local sureties each in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

(b) Applicants shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case so as to dissuade such person/s from disclosing the facts to Court or any Police Officer. The Applicants shall not tamper with evidence.

(c) Applicants shall attend and report to the Investigating Officer, Hinjewadi Police Station, Dist. Pune on the Second and Fourth Saturday of every month from 10 a.m. to 12 p.m. till framing of charge in Crime No. 208 of 2025.

(d) Applicants upon their release within 3 days shall furnish their residential addresses with proof and contact details to the Investigating Officer, Hinjewadi Police Station, Pune.

(e) Applicants shall not enter the territorial jurisdiction of Hinjewadi Police Station till the material witnesses in the said crime are examined before the Trial Court, except for marking their attendance before the Investigating Officer, Hinjewadi Police

Station, Dist. Pune .

(f) Applicants shall attend each and every date of hearing before the trial Court, unless exempted.

13. Bail Application No. 3614 of 2025 is disposed of .

(ASHWIN D. BHOBE,J.)