

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3632 OF 2025**

Santosh Deu Kurhade

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Arbaz Agaskar, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

PSI – Alok Khismatrao, Shahapur Police Station, Thane Rural,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 24TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 101 of 2009 dated 5th June, 2009, registered with the Shahapur Police Station, for the offences punishable under Sections 324, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (“IPC”). Initially, the final report indicated Sections 324, 323 and 504 read with Section 34 of the IPC. After the death of the deceased – injured, Section 302 was added.

2. The facts of the case, in brief, are that the deceased is one Raoji Wagh. On 5th June 2009, at around 11:00 a.m., all three accused including the Applicant herein came to the house of the First Informant and told him that his son Suresh had trespassed into their house on the preceding night. The accused, who were armed with a wooden log and other objects, abused the First Informant and his son. They beat both the First Informant and his son by the wooden log and because of which the First Informant and his son sustained injuries. The First Informant was admitted in the Sub District hospital, Shahapur. He was discharged, however, he died when he returned home. Accordingly, an FIR was registered and co-accused were arrested. The Applicant absconded and finally he was arrested on 6th May, 2025. In the meantime, the trial had progressed and Accused Nos.1 and 2 were acquitted by the District Judge-2 & Addl. Sessions Judge, Kalyan.

3. I have gone through the judgment and order dated 22nd June, 2011 carefully. The co-accused are acquitted on

merits for want of evidence against them. I have gone through the FIR, Final Report as well as the acquittal order.

4. Admittedly, the Applicant was absconding with a view to avoid arrest and was arrested only on 6th May, 2025. Although the Applicant cannot be allowed to benefit from his absconding, it is revealed from the acquittal order as well as other documents on record, that there is nothing material against this Applicant to demonstrate his complicity in the offence at this stage. The acquitting order also speaks volumes. 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., until the charges are framed;

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

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

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

vii) 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;

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

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

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

6. 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)