

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

Criminal Bail Application No.3911 of 2025

Gopal Dnyanoba Kotalpure
Age: 26 years, Occ: Laborer
R/at: Nanded Naka, Mahadeonagar,
Latur, (Presently accused is languishing
in Yerwada Central Prison, Pune)

... Applicant

Versus

The State of Maharashtra
(Through Police Inspector, Lonikand
Police Station, Pune)

... Respondent

Mr Tanmay Jadhav, a/w Mr Anil Karkande and Mr Ajinkya
Gange, for the applicant.

Mr SV Walve, APP, for the respondent/ State.

PSI Dilip Palve, Lonikand Police Station, Pune City.

Coram: R.N. Laddha, J.

Date: 4 November 2025.

P.C.:

By this application, the applicant seeks bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with CR No.675 of 2023, registered with Lonikand Police Station, Pune, for the offences punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code (IPC).

2. It is the case of the prosecution that, on 22 August 2023, at about 9:45 p.m., the applicant and the co-accused in connivance with each other, assaulted the deceased, Shailesh, using an LPG gas cylinder as a weapon, thereby causing his death and committing the offence of murder.

3. Mr Tanmay Jadhav, the learned Counsel appearing for the applicant, submits that the applicant is innocent and has been falsely implicated in the present offence. It is contended that there exists no animosity, hostility, or prior enmity between the applicant and the deceased, and that the genesis of the dispute lies exclusively between co-accused Ram and the deceased. The applicant has been dragged into the proceedings without any substantive basis, and is being made a scapegoat to shield the actual perpetrators.

4. Learned Counsel further submits that the prosecution's case is riddled with material contradictions and inconsistencies in the statements of the witnesses, thereby casting serious doubt on the veracity of the allegations levelled against the applicant. In particular, reliance is placed on the testimony of prosecution witness Satish Gaware, who has alleged that the applicant assaulted the deceased with a gas cylinder. It is pointed out that Satish Gaware is a known associate and close confidant of co-accused Ram, and therefore his testimony is liable to be viewed

with circumspection. It is reasonably apprehended that the said witness has deposed in a manner calculated to exonerate his friend Ram and shift culpability onto the applicant.

5. It is further submitted that the prosecution's case is primarily founded on circumstantial evidence and suffers from a lack of independent corroboration. Save and except the testimony of Satish Gaware, which is demonstrably biased, there is no direct or ocular evidence implicating the applicant in the commission of the alleged offence. The distress message sent by co-accused Ram, contemporaneous to the incident, indicates his plea for assistance and suggests that the applicant's role, if any, may have been peripheral or substantially different from that portrayed by the prosecution.

6. Learned Counsel also draws attention to the fact that co-accused Ram has already been enlarged on bail by this Court vide order dated 9 May 2024. It is submitted that the present applicant is similarly situated and, therefore, entitled to the benefit of parity.

7. It is further submitted that the investigation in the present matter stands concluded and the charge sheet has been duly filed before the competent Court. The applicant is a permanent resident of the State of Maharashtra and possesses deep familial

and social ties within the jurisdiction. He undertakes not to misuse the liberty granted by this Court and assures full cooperation with the trial proceedings.

8. On the other hand, Mr S.V. Walve, the learned Additional Public Prosecutor appearing on behalf of the respondent-State, has strenuously opposed the present application for bail. The learned APP has submitted that the offence in question is of an exceptionally grave and heinous nature, involving a premeditated and fatal assault upon the deceased. It is contended that the act attributed to the applicant was not spontaneous or incidental, but rather deliberate and executed with brutal force.

9. The learned APP has further distinguished the role of the present applicant from that of the co-accused who have been enlarged on bail, asserting that the allegations against the applicant are qualitatively and materially distinct. Specifically, it is submitted that there exists prima facie material indicating that the applicant assaulted the deceased with a gas cylinder, inflicting grievous and fatal injuries in a savage and merciless manner, thereby causing his death.

10. The prosecution has placed reliance on the post-mortem report, which reveals that the deceased sustained as many as

fifteen distinct injuries, suggestive of a sustained and violent attack. Additionally, the presence of an eyewitness to the incident lends further credence to the prosecution's case and fortifies the allegation of the applicant's direct involvement in the commission of the offence."

11. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

12. It is apparent from the material placed on record that the allegations against the applicant pertain to the commission of a serious offence punishable under Section 302 of the Indian Penal Code, 1860. The prosecution narrative, as discerned from the case documents, assigns to the applicant a distinct and active role in the execution of the alleged homicidal act. Specifically, it is alleged that the applicant inflicted fatal injuries upon the deceased by assaulting him with a gas cylinder, thereby causing his death.

13. This allegation finds *prima facie* corroboration in the testimony of an eyewitness, who has categorically stated about the culpability of the applicant and the sequence of events. The post-mortem examination further reveals that the deceased sustained fifteen distinct injuries, the nature and distribution of which are consistent with the mode of assault alleged by the

prosecution.

14. In addition, the call detail records (CDRs) pertaining to both the applicant and the deceased indicate their concurrent presence at the location and time of the incident, thereby reinforcing the prosecution's version of events. Notably, the gas cylinder purportedly used in the commission of the offence has been recovered pursuant to information provided by the applicant, which lends further evidentiary weight to the prosecution's case.

15. The applicant has alleged that the witness, Satish Gaware, has deliberately and strategically deposed in a manner intended to shield his friend Ram, co-accused, from criminal liability, while simultaneously attributing culpability to the applicant. However, this assertion remains unsubstantiated by any material on record at this stage. The record is devoid of any *prima facie* material that would lend credence to the claim of calculated exoneration or *mala fide* intent on the part of the witness. The veracity of such allegation and the credibility of the witness's testimony are matters that fall within the domain of appreciation of evidence, which shall be duly undertaken during the course of trial proceedings.

16. Taken cumulatively, the severity and multiplicity of the

injuries sustained by the deceased, the recovery of incriminating material at the instance of the applicant, and the presence of direct ocular evidence, collectively lend substantial credence to the prosecution's case at this preliminary stage. The offence alleged is of an egregious and heinous character, involving the deliberate extinguishment of human life, and thus merits rigorous judicial scrutiny in accordance with the law.

17. In view of the foregoing, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the present bail application stands rejected.

[R.N. Laddha, J.]