

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

Bail Application No. 3960 of 2025

Pawan Shankar Rathod

(Presently lodged at Yerwada Central Jail)

Age 23 years, Occupation : Nil,

R/at :- Madhuban Society, Lane No.1,

Next to Narsingh College, Pune.

... Applicant

versus

The State of Maharashtra

Through : Chaturshrungi Police Station,

in C.R. No.776 of 2019

...Respondent

Mr Nagesh Khedkar a/w Mr Prithviraj Deshmukh, Mr Shubham Shinde, Mr Avishkar Dhumal, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 15 October 2025

P.C.:

By this application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the applicant is seeking bail in connection with CR No.776 of 2019, registered at Chaturshrungi Police Station, Pune, for the offences punishable under Sections 302, 324, 323, 504, 506, 143, 144, 147, 148, and 149 of the Indian Penal Code; Sections 4 and 25 of the Indian Arms Act as well as Section

37(1)(3) read with 135 of the Maharashtra Police Act.

2. It is the case of the prosecution that the informant is the proprietor of a hotel establishment, and his nephew, one Santosh, operates a pan shop situated in close proximity to the said hotel. On September 1, 2019, while the informant was present at the pan shop, three unidentified individuals arrived at the premises with the intention of purchasing cigarettes. Upon being requested to tender payment for the same, the said individuals began to verbally abuse Santosh using obscene and derogatory language, and further physically assaulted him by slapping him.

3. The informant, upon witnessing the altercation, intervened and attempted to pacify the situation by mediating between the parties and requesting the assailants to vacate the premises. Before departing, the said individuals allegedly issued a threat to the life of Santosh, the nephew of the informant. Subsequently, at approximately 5:15 p.m. on the same day, the informant heard a commotion emanating from the direction of the pan shop. Upon reaching the location, he observed that the same three individuals who had earlier visited the shop had returned. Two of them had allegedly restrained Santosh by holding his limbs, while the third individual proceeded to stab

him with a sharp-edged weapon.

4. In an attempt to rescue his nephew, the informant intervened, whereupon he was assaulted with a sickle by the same individual who had stabbed Santosh. The informant sustained injuries on his right hand, specifically near the thumb and forearm. When Santosh's mother-in-law attempted to intercede, she was allegedly pushed aside by the assailants. A hotel employee, upon witnessing the incident, attempted to approach the assailants but was also stabbed by the same individual. Thereafter, the assailants absconded from the scene. The injured persons were immediately shifted by Santosh's mother-in-law and other relatives to Medipoint Hospital, Aundh, for initial medical treatment. Due to the severity of his injuries, Santosh was subsequently admitted to the Intensive Care Unit, where he was declared dead.

5. Mr. Nagesh Khedkar, the learned Advocate appearing for the applicant, has submitted that the applicant has been falsely implicated in the present matter. It is contended that five co-accused persons have already been enlarged on bail, including one, who is specifically alleged to have inflicted the fatal stab wounds upon the deceased. The learned Counsel submits that the role attributed to the present applicant is comparatively less

grave and that there are no specific allegations of the applicant having caused any physical harm to either the deceased or the informant. It is further submitted that the applicant has been incarcerated for a period exceeding six years. The learned Counsel further submits that the investigation in the present case has been concluded and the chargesheet has been duly filed. The prosecution has proposed to examine 32 witnesses, and the trial has yet to commence as the charge has not been framed. The applicant does not have any prior criminal antecedents.

6. On the other hand, Mr. S.V. Walve, the learned Additional Public Prosecutor appearing for the respondent/State, has opposed the bail application with considerable vehemence. It is submitted that the offence alleged is of a grave and serious nature, involving the commission of murder in broad daylight. The learned APP contends that the applicant, along with the co-accused, actively participated in the assault upon the deceased, culminating in his death. It is further submitted that there exists sufficient material on record to implicate the applicant in the present offence. The prosecution has expressed apprehension that if the applicant is released on bail, there exists a substantial risk of his tampering with the prosecution's evidence or influencing the witnesses.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the record. It appears that the role attributed to the applicant is not principal; there is no specific allegation of him wielding the weapon or inflicting fatal injuries. The applicant has undergone incarceration for over six years, which is a substantial period, especially in light of the fact the charges are yet to be framed and trial has not commenced. The prosecution has proposed examination of 32 witnesses and the trial will take its own time. The applicant has no prior criminal antecedents, and that there is no material indicating a propensity to abscond or repeat the offence. Moreover, the co-accused have already been granted bail. The concern regarding tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions. In light of the above considerations, this Court is satisfied that the applicant has made out a ground for grant of bail. Accordingly, the bail application stands allowed on the following terms.

Order

- (i) The applicant shall be released on bail in CR No.776 of 2019, registered at Chaturshrungi Police Station, Pune, on executing a PR Bond of Rs. 25,000/ with one or more sureties in the like

amount.

(ii) The applicant himself or through any other person, shall not tamper with the evidence or exert influence over witnesses.

(iii) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for valid reasons.

8. The application stands disposed of accordingly.

[R.N.Laddha,J.]