

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

**BAIL APPLICATION NO. 4035 OF 2025**

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| Bhoya @ Kishore Bapu Bhise | ... | Applicant.  |
| V/s.                       |     |             |
| The State of Maharashtra.  | ... | Respondent. |

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Adv Vivek Arote a/w Adv Akshay Dingale for the Applicant  
Smt. Madhavi Mhatre A.P.P for the Respondent- State.

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**CORAM : RANJITSINHA RAJA BHONSALE, J.  
DATE : 5<sup>th</sup> DECEMBER 2025.**

**PC:-**

- 1) Heard Mr. Vivek Arote, learned Advocate for Applicant and Smt. Madhavi Mhatre learned A.P.P for State.
- 2) By the present application, the Applicant seeks bail in connection with F.I.R. bearing C.R. No. 646 of 2024 dated 22<sup>nd</sup> August 2024, registered with Baramati City Police Station, District Pune for allegedly having committed offences under Sections 103(1), 61(2), 189(2), 189(4), 191(2), 191(3), 190 of Bhartiya Nyaya Sanhita and under Section 4 (25) of the Arms Act. The said crime is now registered as Sessions Case No. 102 of 2025 and is pending before the Additional Sessions Judge, Baramati.
- 3) The case of the prosecution in short is that:

3.1) Mr. Ganesh, the nephew of the complainant was studying in the D.C. College. On 16<sup>th</sup> July 2023, Ganesh and his friends Omkar Sonawane, Shrinath Shinde, Gaurav Sul, Pruthviraj Devkate had a quarrel with one Jayesh Babasaheb Mane and his friends. In the said quarrel, the said Jayesh Babasaheb Mane and his friends were beaten by Ganesh. A crime under section 307 of the Indian Penal Code was registered, with the Baramati City Police Station, against Ganesh and his friends. Subsequently, Ganesh and his friends took bail in the said matter. Jayesh Babasaheb Mane and his friends Shubham Gaikwad, Karan Jadhav, Avip Garud, Somnath Jadhav, Bholya (present applicant) and others were upset with Ganesh and allegedly planning to commit the murder of Ganesh. According to the complainant, the aforementioned facts were informed to him by Ganesh.

3.2) On 21<sup>st</sup> August, 2024, at about 11.00 a.m, the complainant's cousin brother Avinash Devkate had visited him. Ganesh along with Avinash Devkate went out and returned home at about 03.00 p.m. At about 03.30 p.m. Ganesh took Rs. 7000/- from the mother of the complainant and went to the MIDC mall for the purpose of buying clothes. At about 06.30 p.m. Mr. Sanskar Waghmode, Premraj Malgunde and Shrinath Shinde came to the house of the complainant. Sanskar Waghmode told the complainant that, he along with Ganesh, Pruthviraj Devkate, Kunal Fadtare, Mayur Jarad after finishing their shopping, were returning from the mall at about 05.00 p.m. Somewhere near the Jalochi Bridge one four wheeler i.e. innova vehicle

came from the rear side, overtook them and blocked their way. From the said four wheeler two persons alighted and tried to assault Ganesh with sharp weapons, at which time Ganesh jumped over the car and ran away. On being so informed the complainant immediately went to the spot of the incident. At the first instance, he did not find anybody at the said scene. The complainant, then telephoned his nephew Gaurav Sarak, called him and again visited the spot at about 08.30 in the night along with some friends of Ganesh. All of them searched the place. They found the death body of Ganesh.

3.3) On the said basis, the complainant Navnath Uttam Chormale filed the complaint/FIR dated 22<sup>nd</sup> August, 2024 against the 10 accused persons including the Applicant.

4) The Applicant was arrested on 26<sup>th</sup> of August, 2024. The Applicant preferred a Criminal Bail Application below Exh. 7 in Sessions Case no. 102 of 2025, before the learned Additional Sessions Judge, Baramati. The learned Additional Sessions Judge, Baramati, after hearing the parties, by an Order dated 22<sup>nd</sup> of September 2025, rejected the Applicants bail application.

5) Learned Advocate for the Applicant submits that, though the Applicant has been referred to as Bholya in the said F.I.R, his full name is not mentioned or referred to in the F.I.R. That, apart from his name being mentioned in the FIR as a friend of Jayesh Babasaheb Mane there is no

allegation against him much less any overt act. That, if the chargesheet is perused, including the statements of the eye witnesses, there is no reference to the name of the present Applicant. None of the eye witnesses have attributed any role to the present Applicant. That, a perusal of the complaint, would indicate that the Applicant is alleged to be only present at the place of the incident. That the applicant does not have any criminal antecedents and has been implicated only on the basis of hearsay evidence.

6) Smt. Madhavi Mhatre learned A.PP for the State submits that, the present crime is a serious offence of committing the murder of the deceased. That, the Applicant has been named in the FIR. She submits that, the complaint indicates that Jayesh Babasaheb Mane and his friends had a quarrel with deceased Ganesh and therefore there is a motive. She has vehemently opposed the grant of bail.

7) I have perused the records with the assistance of learned advocates appearing for the parties. Though the name of the Applicant appears in the FIR, there is no act much less any overt act attributed to the Applicant. A perusal of the FIR, would also indicate that, the same has been lodged by the Complainant, on the basis of information received by the complainant. One Sanskar Waghmode has given the said information to the complainant. The Complainant does not attribute any specific role or overt act to the present Applicant. I have perused the chargesheet so also the statements of eye witnesses. The eye witnesses, do not even refer to the

present Applicant. In my opinion, there is no material available in the chargesheet to indicate or attribute an overt act to the present Applicant.

7.1) I have perused the statements of the eye witnesses namely Pruthviraj Dilip Devkate, Sanskar Rajendra Waghmode and Gaurav Dnyandev Sarak, Mayur alia Pranav, Ajit Jarad, Kunal Sukhdev Fadtare, Audumber Devidas Jagtap. None of the eye witnesses have named the applicant. The material on record, prima facie does not attribute overt act to the Applicant in the said crime.

8) The learned Additional Sessions Judge, has rejected the bail Application of the present Applicant, on the ground that, the Applicant is a part of the agreement/conspiracy between the accused to commit the murder of the deceased. That, the present Applicant kept the watch on the deceased by following him and informed the location of the deceased. On perusal of the chargesheet, I find that the said observations with regard to the present Applicant are not supported by the record/ chargesheet or by any document therein.

9) A specific query was put to the learned APP, as to whether there are any criminal antecedents to the discredit of the present Applicant. The learned APP, has on instructions informed this Court that the Applicant has no criminal antecedents.

10) In view of the aforesaid facts and circumstances, and on taking an overall view of the matter, I am of the opinion that the Applicant is

entitled to be released on bail on the following terms and conditions : -

- 1) Applicant be released on bail in connection with C.R. No. 646 of 2024 registered with the Baramati City Police Station on executing P.R. Bond in the sum of Rs. 25,000/- (Twenty five thousand only) with one or more sureties in the like amount.
- 2) The Applicant shall regularly attend and remain present before the Trial Court on the dates given by the learned Trial Court. An undertaking to that effect shall be filed.
- 3) The Applicant shall report to the Baramati City Police Station on the first Monday of every month until the trial of the said crime is over.
- 4) The Applicant shall not dispute his identity as accused in the case.
- 5) The Applicant shall keep the Trial Court as well as the Investigating Officer informed of his current place of Residence, Mobile number and contact number and/or change of residence or mobile/contact number details, if any, from time to time.
- 6) The Applicant shall not, directly or indirectly tamper with the evidence or make any inducement threat or promise to any witness or any person concerned or acquainted with the facts of the case so as to dissuade any witness to disclose such facts to the Court or any authority.

- 7) If the Applicant commits any default in attending the Trial Court or the Investigating Authority or commits any breach of the terms and conditions imposed herein the prosecution agency shall be at liberty to seek cancellation of the Applicant's bail.
- 8) The Application is accordingly disposed of.
- 9) All concerned to act on an authenticated copy of the Order.

**(RANJITSINHA RAJA BHONSALE, J.)**