

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

BAIL APPLICATION NO. 4748 OF 2024

1. Vishal Jagganath Pawar	
2. Kunal Balaso Shitole	...Applicants
Versus	
The State of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO.1454 OF 2025
IN
BAIL APPLICATION NO. 4748 OF 2024**

Vipul Vitthal Mahadik	...Intervenor
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IN THE MATTER BETWEEN

1. Vishal Jagganath Pawar	
2. Kunal Balaso Shitole	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Aniket Nikam a/w Mr. Amit Icham, Mr. Dushyant Digamber, Adv. Abhilasha Pawar i/by Mr. Sumit Patil, Advocate for the Applicants.

Mr. Amol B. Jagtap (through VC), Advocate for the Intervenor.

Mr. Vinod Chate, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	16th APRIL, 2025.

P.C.:

1. This is an application for regular bail.

2. The learned counsel for the applicants on instructions, seeks leave to withdraw the present bail application qua Applicant No.2 Kunal Balaso Shitole with liberty to file fresh application for bail after three months.

3. The Applicant No.1 came to be arrested in Crime No.188 of 2024 registered at Urali Kanchan Police Station, District : Pune, for the offences punishable under Sections 307, 323, 506, 120B read with Section 34 of the Indian Penal Code (for short 'IPC').

4. According to the prosecution, one day prior to the incident, which took place on 30/05/2024, dispute arose between the friend of the complainant namely Adesh Kamthe and co-accused Kunal Shitole. It is alleged that on the day of incident Adesh Kamthe was called to the place of incident on the pretext of resolving the said dispute between him and Kunal Shitole. It is alleged that when he along with the complainant and injured Rupesh Mahadik went there, the present applicant and other co-accused tried to run the car over them and thereby attempted to kill them.

5. I have heard the learned counsel for the Applicant No.1, learned A.P.P. for the Respondent-State and learned counsel for the complainant-intervenor.

6. The learned counsel for the Applicant No.1 submits that the applicant No.1 has nothing to do with the alleged dispute between the co-accused Kunal Shitole and Aadesh Kamthe. It is submitted that the applicant was not driving the

car. It is submitted that the Applicant No.1 is in jail for 10 months and trial is not likely to be concluded in near future as it is still at the stage of framing of charge.

7. On the other hand, the learned A.P.P. for the Respondent-State and learned counsel for the intervenor submit that the Applicant No.1 was with the co-accused at the time of incident. It is submitted that there are criminal antecedents against the applicant No.1. It is thus submitted that the Applicant No.1 may not be released on bail.

8. I have perused the statement of the injured Vipul Vitthal Mahadik. The motive for alleged assault is attributed to the co-accused Kunal Shitole. Considering the overall facts and circumstances, I am inclined to release the Applicant No.1 on bail.

ORDER

- (i) Criminal Bail Application is partly allowed;
- (ii) The Applicant No.1 is directed to be released on bail in connection with Crime No.188 of 2024 registered at Urali Kanchan Police Station, District : Pune, for the offences punishable under Sections 307, 323, 506, 120B read with Section 34 of the Indian Penal Code (for short 'IPC') on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The Applicant No.1 shall not enter into the Taluka Haveli Dist : Pune till conclusion of trial;

- (iv) The Applicant No.1 shall not tamper with the prosecution evidence;
 - (v) The Applicant No.1 shall not commit any other crime;
 - (vi) The application qua the Applicant No.2 Kunal Balaso Shitole is allowed to be withdrawn with liberty to file fresh application for bail after three months;
 - (vii) Application stands disposed of accordingly.
9. The interim application for intervention stands disposed of.

(N. R. BORKAR, J.)