

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.968 OF 2025**

Sandip @ Tatya Sahebrao PawarAppellant
Vs.

The State of Maharashtra & Anr.Respondents

Mr. Satyavrat Joshi with Mr. Yash Fadtare, Mr. Sairaj Suryavanshi & Mr. Vaibhav Halke, for the Appellant.

Mr. Nitin B. Patil, APP, for the Respondent No.1-State.

Mr. Amit Waykool, Appointed Advocate for the Respondent No.2.

Mr. Vaibhav Vajarang Koli, PC/2322, Vita Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 16th FEBRUARY 2026

PC.:-

1. The Applicant is arrested in Crime Registration No.330 of 2024 registered with Vita Police Station, Sangli for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act').

2. It is alleged that the deceased and one of his friends were traveling to Vita on 6th August 2024. At about 2:00 p.m. the present first informant received a call from Mr. Machhindra Suryawanshi informing her that the deceased had been admitted in hospital. It is the case of prosecution that the deceased along with his friend went

to consume liquor. At that time, this Applicant was present there and the Applicant tried to take the glass. At that time, the deceased asked him not to take that glass and slapped him, due to which the Applicant took a knife and stabbed him in his stomach. Thereafter, he was admitted in hospital and he was declared dead.

3. The counsel for Applicant has stated that there is one stab injury. It was not premeditated incident, instead, it is out of spur of moments. The intention was not to kill the deceased. There was no enmity between both of them. The Applicant is in jail since 2024. The deceased was having some antecedents. This Applicant is not having any antecedent. As no charge is framed since last one year and the case will fall under Section 304 Part-I of the Indian Penal Code. Hence, prayed to release the Applicant on bail.

4. The learned APP opposed the application stating that the eye witnesses are there. He had stabbed the deceased with knife. The CCTV footage is also there. The charge sheet is filed in October 2024, yet the charge is not framed. As this is a case of direct evidence, prayed to reject the application.

5. Heard learned counsel appearing for both the parties.

6. From the FIR, it appears that there was no enmity between the Applicant and the deceased. Out of the incident of taking glass, the incident in question took place. It appears that it was not premeditated offence and it happened in spur of moments. The Applicant is in jail since last one and half year. Charge is not yet framed. The case is made out to release the Applicant on bail.

7. Hence, the Application is allowed on the following terms and conditions:

- i) The Applicant, namely, Sandip @ Tatya Sahebrao Pawar shall be released on bail on furnishing personal bond of Rs.25,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;
- ii) The Applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
- iii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- iv) The Applicant shall not enter the territorial jurisdiction of Vita Police Station, except to attend the trial ;

- v) The Applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vi) The Applicant shall maintain law and order;
- vii) The Applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
- viii) The Applicant shall regularly remain present during the trial, and cooperate with the learned trial court to complete the trial for the above offences.

(MRS. VRUSHALI V. JOSHI, J.)

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signed by
RAJU
DATTATRAYA
GAIKWAD
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