

VRJ

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

BAIL APPLICATION NO.3639 OF 2025

Dhondiram @ Bablya Vasant Dudhal	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Pallavi Kante for the applicant.

Mr. Pankaj P. Deokar, APP for the State.

Mr. Kamble, Police Constable, MIDC Kupwad Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : FEBRUARY 3, 2026

P.C.:

1. By the instant bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant is seeking regular bail in connection with Crime Register No.165 of 2024 registered with MIDC Kupwad Police Station for offences punishable under Sections 103(1), 118(1), 352, and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The prosecution case, in brief, is that the assailants, the deceased, and the complainant reside in the same area, i.e., Mayakkanagar, Bamnoli. The complainant is the brother of the

deceased. The deceased was residing in the same area where the complainant resides, but in a separate house with his wife. On 23/07/2024 at about 12:00 p.m., the complainant was at his home. He heard noise from outside and therefore came out of his house. The complainant saw that his brother was being assaulted by the assailants outside the house of co-accused No.1. As per the allegations made in the complaint, the present applicant and co-accused No.3 had caught hold of the deceased, while co-accused No.1 assaulted the deceased on his chest, stomach, and hands. The complainant tried to intervene in the quarrel but sustained injuries on his right hand. Further, it is alleged that co-accused No.3 hit the complainant on the back with a brick. However, the complainant took the deceased to the hospital, where he was declared dead.

3. Learned counsel appearing for the applicant submits that there are counter FIRs. An offence under Section 307 has been registered on complaint lodged by the applicant against two other accused. The role attributed to the present applicant is that he caught hold of the deceased, while Accused No.1 assaulted the deceased. It is further submitted that, as per the prosecution case in the other FIR lodged by Accused No.1, the deceased had come

to their house and called Accused No.1 out. When the complainant heard the shouts of Accused No.1, he came out and saw that the deceased was assaulting with knife. It is stated that Accused No.1 tried to save his brother and, with the same knife, assaulted the deceased. Accused No.1 got injured and had injury on his stomach which was serious injury. He was taken to the hospital and admitted in the ICU, and thereafter his statement was recorded. The deceased died due to injuries and thereafter the applicant was arrested.

4. Learned counsel for the applicant submits that the incident arose due to sudden provocation and there was no intention to commit murder. Though there are number of injuries on the person of the co-accused and the deceased, only one knife has been recovered, which supports the case of a sudden fight arising out of anger and provocation. Therefore, prayed to release the applicant on regular bail.

5. Learned APP opposed the said application, stating that there are eye-witnesses to the incident. One of the eye-witnesses has specifically stated the role played by the present applicant. It is submitted that the parties are residing adjacent to each other and

that, although there are counter complaints arising out of a scuffle, the deceased died due to the assault and the role of this applicant is specifically mentioned. He therefore prays for rejection of the bail application.

6. I have heard the learned counsel appearing for the respective parties. As counter FIRs have been registered against both parties, it appears that the incident arose out of a scuffle at the spot. The deceased had come to the house of the applicant, where the incident took place. As per the counter FIR, the applicant was also seriously injured. According to the narration in the FIR, the aggressor was the deceased. The initial assault was by the deceased, and thereafter, in order to save themselves, the accused assaulted him with the same knife. Considering the circumstances, a case is made out to release the applicant on bail.

7. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant - Dhondiram @ Bablya Vasant Dudhal is directed to be released on regular bail in connection with Crime Register No.165 of 2024 registered with MIDC Kupwad Police Station for offences punishable under

Sections 103(1), 118(1), 352, and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS), upon furnishing a personal bond of Rs.25,000/- with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the MIDC Kupwad Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- f) The applicant shall not enter the territorial limits of Sangli District during the pendency of the trial, except for the purpose of reporting at the concerned police station or attending Court proceedings, as directed.
- g) Any breach of these conditions shall result in the

prosecution moving for cancellation of bail before the Trial Court.

8. The bail application is allowed and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)