

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3760 OF 2025**

Avinash Shankar Madnawale Applicant
Vs.
The State of Maharashtra Respondent

Mr. Ritesh M. Thobde with Mr. Changdev Shingade, Mr. Darshan Singh Rajpurohit & Mr. Pushkaraj, for the Applicant.
Mr. Nitin B. Patil, APP, for the Respondent-State.
Mr. Rajesh P. Tathe, ASI, Vijapur Naka Police Station is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 18th FEBRUARY 2026

PC.:-

1. The Applicant is arrested in Crime Registration No.430 of 2024 registered with Vijapur Naka Police Station, Solapur City for the offences punishable under Sections 109, 115(2), 352, 351(2), 103(1), 189(2), 191(3), 190 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2 It is the case of prosecution that the first informant was working in Finance Company by name and style 'Sparsh Agency' and he was assigned the duty to seize the bikes, which were under default in payment. The first informant went to seize the motorcycle on which the Applicant was mortgagee. He resisted the informant to

seize the motorcycle. There was some altercations between both of them. Therefore, the Applicant called the persons from his side and the complainant also called the in-charge of said Department. Thereafter, they assaulted each other. The allegation made against this Applicant is that he assaulted the deceased with spade on his head and chest. The other co-accused has assaulted with the tile on his head and he died. Initially, the offence under Section 109 of the BNS was registered, after his death, offence under Section 103(2) of the BNS is registered against this Applicant.

3. The counsel for Applicant has stated that the offence under Section 103 will not attract, as there was no intention to commit murder. It will amount to culpable homicide not amounting to murder. The other co-accused are already released on bail. There is counter FIR lodged against the complainant by the co-accused. As the assault was from both the sides. The other co-accused are released on bail. The trial is not yet initiated, though the charge is framed. The witnesses are not examined. It will take time as the counter complaint is there. Hence, prayed to release the Applicant on bail.

4. The learned APP opposed the application stating that the cause of death is head injury. The specific allegation against this Applicant is that he assaulted with spade on his dead and thus he assaulted on vital part. Considering the allegation made against this Applicant and as the charge is already framed and the trial is commenced, prayed to reject the application.

5. Heard learned counsel appearing for both the parties.

6. The allegation about assault by spade on head and chest is there against this Applicant. The other co-accused has also assaulted with tile on his head and the cause of death is head injury. The other accused are already released on bail by this Court. The Applicant is in jail since last 1 year 4 months. The charge is framed on 22nd August 2025.

7. Considering the allegations made against this Applicant, the counter complaint and the stage of trial, the case is made out to release the Applicant on bail.

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

- i) The Applicant, namely, Avinash Shankar Madnawale shall be released on bail on furnishing personal bond of Rs.50,000/- 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 obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- v) The Applicant shall not enter the territorial jurisdiction of Vijapur Naka Police Station, Solapur City, except to attend the trial.
- 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
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GAIKWAD
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