

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

CRIMINAL BAIL APPLICATION NO. 319 OF 2026

TATYABA BABURAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Jaydeep D. Mane a/w.
Mr. Mihir Mondkar
APP for Respondents : Mr. P. P. Deokar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-05-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.464 of 2025 dated 07.06.2025 registered with Karmala Police Station, District Solapur, for the offences punishable under Sections 103(1), 115(2), 3(5), 352 of the *Bhartiya Nyaya Sanhita, 2023*. In the said crime, applicant/accused was arrested on 07.06.2025. Upon completion of the investigation, the chargesheet is filed on 31.07.2025.

2. The prosecution case is that the informant is a Police Head Constable attached to the Panvel Railway Police. On 9:00 a.m., during a long-standing land dispute between cousins, on account of tree felling on a shared boundary, blocking a water channel with

branches. When the victim, Bhujang, requested the removal of the debris, the applicant, Tatyaba, and co-accused Nagesh responded with verbal abuse. The confrontation turned violent as both men assaulted Bhujang with kicks and blows. During the struggle, Tatyaba stabbed Bhujang in the chest with a knife. Bhujang was rushed to Hospital but succumbed to injuries, leading to the informant (a Police Head Constable) filing charges against Tatyaba and Nagesh.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime due to long-standing animosity arising from a land dispute involving a common bandh. The alleged incident occurred at the spur of the moment during a sudden quarrel over the clearing of tree branches. There was no prior meeting of minds or premeditated intent to cause death. The prosecution's case indicates a "single blow" delivered during a heated altercation. Consequently, the ingredients of Section 103(1) of the BNS are not attracted, and at most, the act may fall under a lesser degree of culpable homicide not amounting to murder. As the investigation is completed and the chargesheet is filed, the applicant's continued incarceration is no longer necessary for custodial purposes. The applicant is an agriculturist with deep roots in the society has no prior criminal antecedents. Hence, prayed to allow the application.

4. Learned A.P.P. opposed the application and submitted that the offence is serious in nature. The complicity of the applicant with the co-accused is apparent. The applicant with co-accused have brutally killed the deceased. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. There are eyewitnesses supporting to the prosecution case, which disentitle the applicant to be admitted to bail. Hence, prayed to reject the application.

5. Upon considering the submissions of the litigating sides and perusing the material on record, including the chargesheet. On the date of the incident, a confrontation erupted over the obstruction of a water channel caused tree felling. The prosecution case indicates that a verbal altercation escalated into a physical struggle, while the outcome was tragically fatal, a prima facie assessment suggests the incident occurred in the heat of passion during a sudden fight, without premeditation or prior planning to commit an offence of this gravity.

6. The record reveals that the weapon of offence has already been recovered and the investigation is effectively complete with the filing of the chargesheet. Given that the assault was a spontaneous reaction to a dispute rather than a calculated criminal act, the continued incarceration of the applicant would be more punitive than preventive. The "single blow" delivered during

a mutual scuffle further indicates a lack of intent,

7. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The applicant is in custody since 07.06.2025. As such, further incarceration of the applicant, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

8. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

9. Hence, the following order:-

ORDER

- (i) The bail applications are allowed.
- (ii) Applicant, Tatyaba Baburao Rokade, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand), with one solvent surety of the like amount in Crime No.464 of 2025 dated 07.06.2025 registered with Karmala Police Station, District Solapur, for the offences punishable under Sections 103(1), 115(2), 3(5), 352 of the *Bhartiya Nyaya Sanhita, 2023*, on the conditions that;

- (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall not enter the jurisdiction of Karmala Police Station, District Solapur, till the conclusion of trial.
 - (c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
 - (d) The applicant shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE