IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 630 OF 2026

Deepak Dhanaji Jagtap
Age : 29 years, Occu. : Nil,
Permanent R/o. Osmanabad.
Currently residing at : Yashada Heights, Second Floor, Jay Bhavani Nagar, Perne Phata, Tal : Haveli, District : Pune.
(At present lodged in Pune jail) .. Applicant

Versus

The State of Maharashtra
Through Rajgad Police Station,
District : Pune
Vide C.R. No. 213 of 2023. .. Respondent

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- Mr. Kuldeep U. Nikam a/w. Mr. Om N. Latpate, Advocate for Applicant
- Mr. Sukanta A. Karmakar, APP for the Respondent – State.

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CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 11, 2026

P. C.:

RAJESHRI PRAKASH AHER
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1. Heard Mr. Nikam, learned Advocate for the Applicant and Mr. Karmakar, learned APP for the Respondent–State.

2. By this application under Section 439 of the Code of Criminal Procedure the Applicant i.e. Accused No. 2 is seeking bail in Crime No.213 of 2023 registered with Rajagad Police Station, District: Pune, for the offences punishable under Sections 302, 201, 364 and 404 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3/25 and 4/25 of Arms Act, 1959.

3. There are three accused in the crime. Accused No.1 is Sagar, Accused No.2 is Deepak, who is the Applicant before this Court, and Accused No. 3 Tushar. Accused Nos. 1 and 3 are already enlarged on bail by this Court *vide* order dated 16th July, 2024, a copy of which is appended at Page No. 418. The victim is Ajay Manjare. The date of incident is 7th May, 2023. At some time in the night, Ajay Manjare alongwith other accused persons, went to a hotel and forced the hotel owner to open the shutter and serve him drinks. After consuming the drinks, Ajay demanded more drinks, but the hotel owner refused to serve any further drinks. At that time, one of them entered the hotel and persuaded the hotel owner to give them drinks. Both Accused Nos. 1 and 2, according to prosecution, were history-sheeters and were already externed, and had entered the jurisdiction where the hotel was situated and forced the hotel owner to given them drinks. The hotel owner obliged them and gave them drinks. Ajay Manjare, the victim was present and he therefore forcibly removed the mask from the face

of Accused No.2, namely, Deepak, the Applicant before me, and clicked a photograph of him and Accused No.1. Thereafter, for some time the accused and the victim had a quarrel. Since both parties were in an inebriated state, both of them thereafter called their common friend, namely Tushar Bhukan, who arrived at the scene on his motorcycle. After looking at the situation and condition of both the parties, who were quarreling with each other and fighting with each other loudly, Tushar called his common friend, namely Umesh Vaval, and informed him that he would drop Ajay Manjare who was in an inebriated state, at home, for which he also called for a four-wheeler Swift car to the hotel address. At the same time, Sagar and Deepak i.e. Accused Nos. 1 and 2, and Tushar i.e. Accused No.3, left along with Ajay Manjare, and according to the prosecution case Ajay Manjare, was at that time seriously injured and had sustained a head injury with a 'Koyta', in the confrontation and fight which had taken place and the real prosecution story to implicate the accused thereafter unfolded. According to the prosecution, Accused Nos.1 and 2 thereafter took Ajay, rather Ajay's body, to an undisclosed location and threw the body 15 meters into the valley to destroy evidence.

4. Mr. Karmakar, learned APP would vehemently argue that the attempt made by Accused Nos. 1 and 2 to destroy evidence cannot be determined to be non- premeditated, because they were history-

sheeters having antecedents, and they not only killed the victim but also attempted to destroy the evidence by disposing of the body and also took over his mobile phone.

5. With able assistance of Mr. Nikam and Mr. Karmakar I have perused the materials which was place of record. *Prima facie*, reading all the statements, which have been recorded by the prosecution, it is clear that the incident which led to the demise of the victim was, in fact, triggered by the victim himself. The prosecution case itself records that Ajay Manjare forcibly removed the face mask from the face of Accused No. 2 Deepak, and photographed him, and was attempting to do so with Accused No.1, when the quarrel between the two started and escalated.

6. It is also *prime facie* seen from the record that the victim and the accused persons knew each other, as they had common friends. Two of the common friends, one of them being added as accused, namely, Tushar Bhukan, and subsequently released on bail, have recorded their statements. The phone transcripts between Tushar and Umesh Vavhal are also placed on record, appended at Page 175 onwards. *Prima facie,* these transcripts it clearly show that, at the time of the incident, the victim was in an inebriated state and both the parties were involved in a fight with each other in an inebriated state. In that view of the matter, the case put up by the prosecution *prima*

facie to show that it is a premeditated attempt to eliminate Ajay, cannot be seen countenanced at this stage.

7. Further, the statement of the hotel owner, who has been attempted to be stated as an eyewitness on the part of the prosecution, itself shows that both the parties were having a serious quarrel with each other, and therefore, in that view of the matter, and considering the fact that the Applicant has been in incarceration for more than three years, the Applicant has made out a case for grant of bail. Therefore the Application is allowed. The Applicant is therefore released on bail.

8. In view of the above the following order is passed:-

:: O R D E R ::

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 213 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 50,000/- (Rs. Fifty Thousand only), with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Rajagad Police Station, Pune, once every month on the first Monday between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

9. Bail Application is allowed and disposed of in the above terms.

Rajeshri Aher

[MILIND N. JADHAV, J.]