Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3142 OF 2026

Kunal Vinod Saude .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Himanshu S. Gavit, Advocate for Applicant
- Mr. Sukanta A. Karmakar, APP for State

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CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 18, 2026

P. C.:

1. Heard Mr. Gavit, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. By this Bail Application, Applicant - accused is seeking enlargement on bail in C.R. No. 450/2025 registered with Upnagar Police Station for the offences punishable under Sections 103 and 3(5) of the Bhartiya Nyay Sanhita, 2023 along with Section 35 of the Maharashtra Police Act, 1951. Date of the incident is 07.10.2025.

3. Present crime indicts 4 accused out of whom accused No. 4 is a juvenile. Accused No. 1 is the Applicant before me who is 21 years of age. Case of the prosecution stems from the fact that the first informant's son who was used to go on his motorcycle every morning at 5.00 a.m. to visit a particular Gurudwara, on the day of fateful incident left at 5.00 a.m. but did not return back until 5.40 a.m.

Complainant and his wife thereafter proceeded to visit the nearby temple when they were requested by two persons to help the person who was lying injured on the road. When the complainant and his wife approached to the said injured person, they found that the said person was none other than their son. Immediately the injured was rushed to the hospital but declared dead on arrival.

4. Prosecution case is based on the fact that there was litigation between the complainant and accused No. 2 - Dadasaheb Sonawane in the Civil Court with regard to flat premises in which the complainant was presently residing and the Civil Suit was pending. Save and except this, there is no material placed on record by the prosecution to show the nexus of accused No. 2 with the crime. Insofar as accused No. 1 is concerned, prosecution has referred to and relied upon the statement made by Police Constable, copy of which is appended at page No. 144 who after seeing the said CCTV footage has identified the person driving one of the motorcycle as accused No. 1. Insofar as accused No. 3 is concerned, prosecution has not been able to throw light on the nexus of accused No. 3 at all. Accused No.2 is shown to be a pillion rider along with accused No. 1 as identified by the said Police Constable. The case of the prosecution virtually lacks all such ingredients to indict the Applicant in the crime. Prosecution case is entirely based upon the CCTV footage which is procured from the

nearly bungalow on the road by which the deceased had gone to Gurudwara in the morning. Various footages have been obtained which *prima facie* show that there were several motorcycles and scooters which passed on the road between 5.00 a.m. to 5.50 a.m. in the morning at various points of time. It is seen that the deceased victim riding hurriedly on his motorcycle and on a curvature may have slipped on his motorcycle and met with an accident and thereafter was lying in an injured stage. Save and except this CCTV footage, there is no other material placed on record by the prosecution to indict the Applicant. Applicant has therefore made out a *prima facie* case for grant of bail.

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

(i) Applicant is directed to be immediately released from prison in connection with C.R. No. 450/2025 ;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 20,000/- (Rs. Twenty Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Upnagar Police Station, once every month on the first Sunday of the month 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 with 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.

6. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

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

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

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Date: 2026.08.18 20:35:23 +0530