Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3874 OF 2026

Shubham Dynaneshwar Divekar .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Sujay Gangal a/w. Mr. Swaraj M. Savant and Mr. Harshal N. Mule, Advocate for Applicant.
- Mr. Amit K. Munde, APP for Respondent – State.
- PSI - B. B. Thikle, Yavat Police Station, Pune Rural.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Gangal, learned Advocate for Applicant and Mr. Munde, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.354 of 2026 registered with Yavat Police Station for offences punishable under Sections 109, 351(2)(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Applicant is one of the two co-accused persons indicted in the present crime for assaulting the victim. Applicant is a young offender of 25 years of age. His mother being the other co-accused persons has been granted bail. Date of the incident is 18.04.2026 when

the Applicant and his mother were incensed in view of the husband of the Complainant having trespassed into their agricultural fields for plucking of flowers which led to a confrontation, quarrel and unfortunately the alleged incident in question.

4. Case of prosecution is based on eyewitness account of the complainant wife of injured victim. However, it is *prima facie* seen that the actual incident in question was preceded by a quarrel between the parties in their field. That apart, considering the motive for the assault in the present case, it is *prima facie* seen that there is no premeditation or plan to eliminate the victim, though the prosecution has argued so. Mr. Munde would draw attention to the statement of the injured victim at page No.26 and submit that there is direct evidence which is fortified by recovery of the weapon used by Applicant in inflicting the stab wounds.

5. He would also persuade me to peruse page No.69 which is the injury certificate which justifies the aggression of Applicant. Notwithstanding the above, considering the fact that Applicant and the victim's family are all relatives of each other and the motive and reason for the scuffle which led to the unfortunate incident was regarding the trespass in the agricultural field of Applicant's family and considering the young age of Applicant as also Applicant having spent more than six months behind bars, I am inclined to consider the case of Applicant

for grant of bail.

6. Considering Applicant's age, if he is enlarged on bail Court is hopeful that his family will undoubtedly do their duty to make every effort and attempt to reform and aid the Applicant in leading a reformed life while on bail rather than keep him in prison and expose him to criminal outlook and life in prison. However on the flip side, if a chance is given to the Applicant because of his young age by enlarging him on bail, there is a possibility that he will be remorseful and repent in retrospect. This is a chance required to be taken by the Court because punishment has to be believed to be inflicted for a reformative result rather than being punitive in nature.

7. Undoubtedly the trial will determine the complicity of Applicant in the offence. While considering Bail Application in such facts, Court feels that reform and rehabilitation of the under trial accused needs to be considered especially when age of the accused person is young so that he gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of accused person. The age of the Applicant is very young. If the Applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or

would waste his life. Incarceration in prison exposes many youth to abuse as is shown statistically.

8. There are several harms of incarceration which are inflicted disproportionately on the youth. This is the reason why Court feels that any / every semblance of a chance towards a reformative approach in punishment should be adopted, especially in the case of young offenders. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to incarceration so that the Applicant can become a good citizen.

9. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Shubham Dynaneshwar Divekar is directed to be immediately released from prison in connection with CR. No.354 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like

amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(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 residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

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

10. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

11. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

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