Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4130 OF 2025

Akshay Dattatray Yewale .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Aniket Vagal a/w. Ms. Savvy Kolhekar, Ms. Juhi Kadu, Advocates for Applicant.
- Mr. Yogesh M. Nakhwa, APP for Respondent – State.
- Mr. Rohit Kumar a/w. Mr. Sagar Verma and S.S. Sawant, Advocates for Intervenor.
- PSI – Mr. V.C. Gowarkar and PI – Mr. Vijayanand Patil, Talegaon Dabhade Police Station present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026

P.C.:

1. Heard Mr. Vagal, learned Advocate for Applicant; Mr. Nakhwa, learned APP for Respondent and Mr. Kumar, learned Advocate for Intervenor.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.265 of 2024 registered with Talegaon MIDC Police Station for offences punishable under Sections 103(1) and 109 of the Bharatiya Nyaya Sanhita, 2023; Section 4(25) of the Arms Act, 1959 and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

3. Applicant is arraigned as Accused No.1 in the present crime for committing murder of the deceased victim and having injured his friend. Parties are all known to each other. Applicant is arrested on 27.11.2024 and is in incarceration for the past more than 1 year 9 months.

4. Case of the prosecution is purely circumstantial on the basis of a precursor incident which had occurred on the same night. Name of Applicant is Akshay Yewale whereas name of deceased victim is Prasad Pawar. Name of injured victim is Abhishek Yewale. The prosecution story and case shows that Abhishek Yewale was having a *paan tapri* opposite to Hotel Jai Malhar wherein Akshay Yewale (Applicant) was one of the partners. There are three other partners in the said Hotel Jai Malhar. According to prosecution, on 26.11.2024 at about 10:00 p.m. in the night deceased victim Prasad Pawar alongwith Abhishek Yewale visited Hotel Jai Malhar and started abusing and creating a ruckus with the hotel manager Mr. Amol Ghosalkar. They both were in an intoxicated state and were creating a lot of nuisance in the hotel and they manhandled the hotel manager. The manager of the hotel informed them to contact the partners of the hotel and more specifically the Applicant.

5. It is seen that Abhishek Yewale had a *paan tapri* outside Hotel Jai Malhar which was shut down for the past 4 months. At that

time, the hotel manager called Applicant and Applicant informed him to wait for some time so that he could reach the hotel and reason out with the deceased victim and Abhishek Yewale. The statement of the hotel manager also states that both the victims had come to the hotel in a Celerio car alongwith an unknown girl and were creating a lot of ruckus. At that time, another partner of Hotel Jai Malhar namely Vaibhav Mandekar was sitting in the hotel office. Thereafter both the victims and the girl left the hotel premises.

6. According to prosecution at about 12 midnight, the patrolling party found Prasad Pawar lying in a pool of blood on the Talegaon – Chakan road near the *paan tapri* belonging to Abhishek Yewale and at a further distance they also found Abhishek Yewale in an injured state. Both of them were admitted to the hospital for treatment where Prasad Pawar was declared dead on admission.

7. The First Informant is the father of Prasad Pawar who has filed the report.

8. It is vehemently argued on behalf of the Intervenor namely the First Informant – Complainant that due to enmity it is evident that Applicant who had an interaction with the the deceased victim and the injured victim just before the actual incident was responsible for his murder and hence that Applicant should not be released on bail.

9. After having heard the learned Advocates and on perusing

the record, it is seen that there is no direct eyewitness to the incident in question at all. Case of the prosecution is that after the initial ruckus at 10:00 p.m. in the hotel with the hotel manager, both victims had left the hotel premises in their Celerio car alongwith the unknown girl who was accompanying them. Thereafter it is alleged that Applicant had a confrontation with both the victims and had assaulted them with a weapon namely sickle (कोयता) as per the prosecution case.

10. *Prima facie* the record shows that there was no motive premeditation which can be attributed to Applicant and the incident in question if required to be attributed to Applicant happened due to the precursor incident which 10:00 p.m. for which the deceased victim was himself responsible. It is seen that both the victims were in an intoxicated state and were creating a nuisance in the hotel at 10:00 p.m. and had also physically assaulted the hotel manager, pursuant to which Applicant being one of the partner of the hotel had to intervene.

11. The witness statements which are recorded *prima facie* show that after the precursor incident was attempted to be settled, both the victims were adamant and aggressive for settling of the dispute between them. Neither it is the prosecution case that Applicant had arrived at the scene of crime or in the hotel armed with any weapon or had any prior intention to cause the death of the deceased. The statement of the injured witness/victim is material since he has named

other persons who have not been arraigned as accused persons in the crime in question.

12. In such circumstances, Applicant being incarcerated for more than 1 year 9 months in prison persuades and enables me to consider the case of Applicant for grant of bail.

13. 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 – Akshay Dattatray Yewale is directed to be immediately released from prison in connection with CR. No.265 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five 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 Sunday 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.

14. 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.

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

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

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