

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3483 OF 2024**

Balu Rambhau @ Ramji Ubale ... Applicant

Versus.

The State of Maharashtra ... Respondent

Mr. Ajit Pitale a/w Mr. Siddharth Pitale, Advocate for the Applicant.

Mr. Ameet Palkar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 10th June, 2026.

P.C. :

1. Heard, Mr. Ajit Pitale, learned Advocate for the Applicant and Mr. Ameet Palkar, learned APP for the Respondent-State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicant seeks bail in FIR No. 211 of 2023 registered at Igatpuri Police Station, Dist. Nashik, for offences punishable under Sections 302, 324, 342, 143, 147, 148, 149, 504, 506, 427, and 34 of the Indian Penal Code. Said crime is registered as Session Case No. 73 of 2024 and is pending on the file of Additional Session Judge-08,

Nashik (“Sessions Court”).

3. There are 12 Accused in Session Case No. 73 of 2024. Applicant is Accused No. 5.

4. The crime in the present case was registered on the basis of a complaint filed by Chitra Sanjay Dehade (the Informant). The case of the prosecution is that a dispute over land bearing Survey No. 289/1 at Bhavali Khurd, Tal. Igatpuri, between the family of the Informant and Patwardhan Ubale (Accused No. 1) and the Applicant (Balu Ubale), led to a quarrel in which Sanjay Dehade (“deceased Sanjay”) and his mother Mohnabai were assaulted by the persons mentioned in FIR No. 211 of 2023. Deceased Sanjay succumbed to the injuries, whereas Mohnabai sustained injuries.

5. Applicant was arrested on 13.11.2023 and has been in jail since then. Bail Application at Exhibit No. 17, filed by the Applicant in Sessions Case No. 73 of 2024, was rejected by the Sessions Court on 30.07.2024.

6. Mr. Ajit Pitale, learned Advocate for the Applicant, submits

that the FIR refers to the mere presence of the Applicant at the scene of the offence. He submits that the FIR does not allege that the Applicant carried any weapon or assaulted the deceased Sanjay or Mohnabai. He submits that Accused Nos. 7 to 12, who, as alleged in the FIR, had a role identical to that of the Applicant, have been released on Anticipatory Bail by the Session Court. He submits that there is no material on record indicating that the Applicant participated in the crime. He submits that the crime occurred in 2023 and that the Trial Court commenced only on 03.06.2026. He submits that there is no possibility of the trial completing in the near future. He submits that, if the bail is granted, the Applicant will abide by all the conditions this Court may deem fit to impose.

7. Mr. Ameet Palkar, learned APP for the Respondent-State, submits that although the FIR registered on the basis of the complaint filed by the Informant on 13.11.2023 does not assign a specific role to the Applicant in the crime, the supplementary statement of the Informant attributes to the Applicant the role of carrying a sickle in hand. He therefore submits that the Applicant's

involvement in the crime is apparent.

8. Perused records with the assistance of the learned Advocate.

9. A perusal of the FIR indicates that the Informant, who lodged the complaint on 13.11.2023, makes no reference to the Applicant either carrying a weapon or participating in the assault on deceased Sanjay or Mohnabai. As submitted by Mr. Ajit Pitale, learned Advocate for the Applicant, the allegations against the Applicant in the FIR are identical to those against Accused Nos. 7 to 12, who have been granted pre-arrest bail by the Sessions Court.

10. Though, Mr. Ameet Palkar, learned APP for the Respondent-State, submits that the Applicant has been assigned the role of carrying a sickle in his hand on the day of the incident, in the supplementary statement of the Informant, the said supplementary statement was recorded on 06.02.2024, i.e. almost three months after the registration of the FIR.

11. The recovery panchnama dated 16.11.2023 records the recovery of a rod from the Applicant. The supplementary

statement of the Informant does not mention the Applicant carrying the rod or assaulting the deceased Sanjay or Mohnabai with it.

12. Considering the above, the Applicant being in jail for approximately two years and seven months and the prosecution having listed 13 witnesses, the trial of Sessions Case No. 73 of 2024 is likely to take some time to conclude. In such circumstances, the continued detention of the Applicant in jail is not necessary, and therefore the Applicant is entitled to bail.

13. Mr Ajit Pitale, learned Advocate for the Applicant on instructions, submits that the Applicant shall not enter the jurisdiction of Igatpuri, Dist. Nashik, till the conclusion of the trial in Sessions Case No. 73 of 2024. The statement made by Mr. Ajit Pitale, is accepted.

14. In view of the above, this Bail Application is allowed on the following conditions :-

(a) Applicant is directed to be released on bail in

connection with C. R. No. 211 of 2023 registered with Igatpuri Police Station, Dist. Nashik, on furnishing a PR bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two local sureties in the like amount.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade such person from disclosing the facts to the Court or any police officer, and shall not tamper with evidence.

(c) Applicant shall, within three (3) days of his release from jail, provide the Investigating Officer at Igatpuri Police Station, Dist. Nashik, his residential address with proof, contact numbers, e-mail and must inform the Investigating Officer of any change in the same from time to time.

(d) Applicant shall report to the Investigating Officer at Igatpuri Police Station, Dist. Nashik,

twice a month, i.e. on the 2nd and 4th Saturday of each month, from 11.00 am to 12.00 noon, until further orders from the Sessions Court.

(e) Applicant shall regularly appear before the Sessions Court in Sessions Case No. 73 of 2024 whenever the matter is fixed, unless specifically exempted.

(f) Applicant shall not enter the territorial jurisdiction of the District of Nashik except for marking his appearance before the Investigating Officer, Igatpuri Police Station, Dist. Nashik and appearing before the Session Court in Sessions Case No. 73 of 2024 as and when the matter is fixed.

(g) Applicant shall not travel outside the State of Maharashtra without obtaining prior written permission from the Investigation Officer, Igatpuri Police Station, Dist. Nashik.

15. The observations made in the present order are meant for the purpose of deciding the Bail Application and would not have any impact or effect on the trial.
16. Bail Application No. 3483 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)