

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4221 OF 2025

Dinesh Suryakant Upade

....Applicant

versus

The State of Maharashtra

....Respondent

Ms. Pooja Agarwal along with Mr. Prakash Chavan, Advocate for Applicant.
Mr. B. B. Kulkarni, APP for Respondent-State.
PSI-Shashikant Gadekar, Sant Tukaram Nagar Police Station, Pimpri
Chinchwad, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 19 of 2025 registered with Sant Tukaram Nagar Police Station, District Pune, for the offences punishable under Sections 103, 238 and 3(5) of the the Bharatiya Nyaya Sanhita, 2023.

2. It is prosecution's case that the applicant and co-accused murdered the deceased on the ground that the deceased had a love affair with accused No. 5, and the co-accused were angry due to the said love relationship. It is alleged that after the murder, the dead body of the deceased was carried in the auto rickshaw of the applicant and he was admitted to YCM Hospital at Pune.

**SHUBHADA
SHANKAR
KADAM**

Digitally signed by
SHUBHADA
SHANKAR KADAM
Date: 2026.03.26
11:06:38 +0530

Shubhada S Kadam

3. It is contention of learned counsel for the applicant that it appears from the statement of witness recorded by the police that the main allegations are against the co-accused. The allegation against the applicant is that his auto rickshaw was used to carry the deceased to YCM Hospital. The applicant is behind bars for more than one year and two months. The applicant has no antecedents. It may take time to conclude the trial, and requested to allow the application.

4. It is contention of learned APP that the applicant was actively involved in the commission of the crime. The CCTV footage produced on record shows that the applicant was driving the auto rickshaw, whereas the co-accused was sitting with the dead body. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses, and requested to reject the application.

5. I have heard both learned counsel, perused charge-sheet and documents produced on record. From the statement of the witness, it appears that the main allegation is against the co-accused. There is no reference to the applicant in the statement of the prosecution witness. It is alleged that the dead body of the deceased was carried to YCM Hospital in the auto rickshaw of the applicant. To prove the allegations against the applicant, trial is required. The applicant has no antecedents. He is behind

Shubhada S Kadam

bars for more than one year and two months. Considering these facts, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 19 of 2025 registered with Sant Tukaram Nagar Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)