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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4676 OF 2025

|                             |                |
|-----------------------------|----------------|
| Rakesh Malaku Dhagale       |                |
| @ Rakesh Malku Dhagle       | ...Applicant   |
| V/s.                        |                |
| State of Maharashtra & Anr. | ...Respondents |

Mr.Vikas P. Kamble for the Applicant.

Ms.Shilpa Gujar, APP for the State – Respondent.

Mr.Hemant Kadukar, PI, Dindoshi Police Station is present in Court.

**CORAM : R.M. JOSHI, J.**  
**DATE : 6TH MARCH, 2026.**

**P.C. :-**

1. The Applicant seeks bail in connection with Crime No.837 of 2024, registered with Dindoshi Police Station for the offences punishable under Sections 103(1), 115(2), 352, 324(4), 189(2), 189(4), 190, 191(2), 74, 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS) r/w Section 135 of Maharashtra Police Act.

2. It is the case of the prosecution that on 12<sup>th</sup> October, 2024, the informant and her husband when reached to the spot, an auto rickshaw was trying to over take their vehicle in rash and negligent manner. There occurred exchange of heated arguments between the husband of the informant and the auto rickshaw driver, which ultimately turned into a fist fight. When the said fight was going on, other persons including the present Applicant came to the spot. It is alleged that all of them assaulted the husband of the informant. When the informant as well as her in-laws attempted to interfere into the said quarrel, they were not allowed to help the deceased. Consequent to the said assault, he was admitted into the hospital and died on account of causing of internal bleeding. On the basis of the said report, offence came to be registered against the Applicant and nine other accused persons. Applicant came to be arrested. After conclusion of the investigation, chargesheet is filed.

3. Learned counsel for the Applicant submits that the statements in the FIR, even if are accepted to be correct, no offence under Section 103 of BNS can be said to have been made

out against the Applicant. It is his submission that in fact there is evidence on record to indicate that deceased assaulted Applicant with a measuring weight and caused injury to head. He drew the attention of the Court to the postmortem note which indicate that there were only three external injuries out of which two were abrasions. According to him, this is a case wherein the death is caused on account of internal bleeding caused to the deceased and since there is no allegation of the use of any weapon in the said assault, no offence of murder is made out. Finally he submits that the Applicant has no criminal history and is not likely to abscond.

4. Learned APP opposes the Application. It is her contention that the husband of the informant lost his life in the incident of assault in question. She drew the attention of the Court to the FIR wherein according to her, there are specific allegations against all the accused persons of causing assault on the deceased and only for the said reason he died. It is further pointed out that in the Identification Parade, the father of the deceased has identified the present Applicant as one of the

assailant and as said there is evidence to show involvement of Applicant in the crime.

5. Even if it is accepted that an incident occurred on the fateful day, the said incident indicate that the assailants and the deceased were unknown to each other and hence there was no motive for anyone to kill deceased. Moreover, the incident was not pre-planned but occurred spontaneously. As per the first informant, it is the case of the roadrage ways wherein apart from the driver of the auto rickshaw, others also participated in the assault. Prima-facie there is support to the arguments of Applicant that the deceased had assaulted the Applicant with iron measuring weight and CLW was caused on his right parietal region, in form of the medical record. At the same time, there is no allegation that any of the accused have used any weapon in order to cause assault on deceased. No doubt, in the said assault, unfortunately deceased died but not for any external injury but internal injuries were caused to the deceased and on account of the same, he succumbed. The causing of internal injuries cannot be attributed to Applicant with his knowledge

thereof.

6. *Prima-facie*, however the question arises as to whether there is substance in the contention of the learned counsel for the Applicant that the evidence is not sufficient to hold that this is a case covered by the provisions of Section 103 of the BNS. Having regard to the fact as they are appearing from the chargesheet, herein this case, there was no motive or intention of the Applicant to kill the deceased. No weapon is used in the crime. There is no specific allegation against the Applicant that on account of the assault caused by him, internal bleeding was caused to the deceased. Having regard to these facts and more particularly since the trial is not likely to commence and get over in short period of time, this is a fit case for enlargement of the Applicant on bail. He has no criminal history and is not likely to flee from justice. Hence the order :

**ORDER:**

- a). The Bail Application stands allowed.
- b) The Applicant be enlarged on bail in connection with Crime No.837 of 2024, registered with Dindoshi Police Station

on furnishing PR bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the Trial Court.

c). The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever.

d) The Applicant to attend all dates of hearing before the Trial Court unless exempted by passing specific order.

*(R.M. JOSHI, J.)*