

Shubhada S Kadam

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

BAIL APPLICATION NO.4682 of 2025

Mangesh @ Munna Mohan Darwatkar

... Applicant/s

Versus

The State of Maharashtra

... Respondent/s

Mr. Vipul Dushing along with Mr. Tanmay Kate, Mr. Ashraf Kazi and Mr. Sarvesh Nikam, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 210 of 2024 registered with Haveli Police Station, for the offences punishable under Sections 103(1), 189(2)(4)(9), 191(2)(3), 190, 352, 351(2)(3)(4) of the Bharatiya Nyaya Sanhita, 2023, Section 3(25) and 4(27) of the Arms Act and Section 135 of the Maharashtra Police Act.

2. It is prosecution's case that between 14th September 2024, around 10:30 pm and 15th September 2024 around 1 a.m., the applicant and co-accused assaulted the brother of the deceased with a sickle, iron rod, and other sharp weapons and murdered him on the ground of old dispute. It is alleged that the applicant, before the incident, had fired two bullets in the air.

Digitally
signed by
SHUBHADA
SHANKAR
KADAM
Date:
2026.01.17
14:55:06
+0530

Shubhada S Kadam

3. It is contention of learned counsel for the applicant that the applicant is behind bars for more than one year and four months. There is no progress in the trial. There are no allegations against the applicant that he assaulted the deceased. The only allegation against him is that he fired in the air before the incident. Considering the allegations against the applicant, he requested to allow the application.

4. It is contention of learned APP that the applicant is an habitual offender. He has antecedents. Before the incident, the applicant fired in the air to create terror, and thereafter the co-accused assaulted the deceased with sickle, iron rod, and other sharp weapons. He submitted that there is recovery at the instant of the applicant. If the applicant is released on bail, he may threaten the prosecution witnesses, and requested to reject the application.

5. I have heard both learned counsel, perused the charge sheet and documents produced on record. In the FIR, there are no allegations against the applicant assaulting the deceased. The allegation against him is that he fired in the air before the incident. A trial is required to establish the existence of a common object. The applicant is behind bars for more than one year and four months. There is no progress in the trial. Considering these facts, I pass the following order.

Shubhada S Kadam

ORDER

- (i) The applicant be enlarged on bail in Crime No. 210 of 2024 registered with Haveli Police Station, 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.)