

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

CRIMINAL APPEAL NO. 46 OF 2026

Sachin Nathuram Paygude

...Appellant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Priyal Sarda, a/w Adv. Abhishek Jare, Advocate for the Appellant.

Mr. V. N. Sagare, APP for the Respondent No.1/State.

Ms. Vilasini Balasubramanian, appointed Advocate for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 08.06.2026.

P.C. :

1. The learned counsel Mr. Pramod Kumbhar submits that he has instructions to appear on behalf of the respondent No.2. In that view of the matter, the appearance of learned counsel Ms. Vilasini Balasubramanian, who was appointed by this Court to represent the respondent No.2, is hereby discharged.

2. This appeal takes exception to the order dated 18.11.2025 passed by the Additional Sessions Judge, Pune, below Exh. 28 in Special Case No. 1068 of 2024.

3. The appellant came to be arrested in Crime No. 171 of 2024 registered at Haveli police station for the offences punishable under Sections 103(1), 109(1), 352, 351(2), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4(27) of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. By the order impugned, the learned Additional Sessions Judge has rejected the application filed by the appellant for bail.

5. It is the case of the prosecution that the present appellant was asking the deceased, who was an agricultural labour, to work in his agricultural field. It is alleged that on the date of incident which took place on 03.07.2024, the present appellant assaulted the deceased with a koyta and committed his murder as the deceased refused to work in his agricultural field.

6. I have heard the learned counsel for the appellant, learned APP for the respondent/State and learned counsel for the respondent No.2.

7. The learned counsel for the appellant submits that there is a delay in lodging the First Information Report. It is submitted that the injuries mentioned in the post-mortem report are not consistent with the version of the wife of the deceased, who, according to the prosecution, is an eyewitness to the incident. It is submitted that the motive is also very weak. The learned counsel for the appellant submits that the appellant is in jail for two years and the trial is still at the stage of framing of charge.

8. On the other hand, the learned APP for the respondent/State submits that the case is based on direct evidence. It is submitted that, considering the nature of crime, the appellant may not be released on bail.

9. The learned counsel for the respondent No.2 submits that respondent No.2, who is the wife of the deceased has no objection if the appellant is released on bail and has tendered an affidavit to that effect, which is taken on record and marked as "X" for the purpose of identification.

10. I have perused the charge-sheet. The appellant is in jail for two years. The fact that the trial is still at the stage of framing of charge is not disputed. Considering the overall facts and circumstances of the case, I am inclined to released the appellant on bail. In the result, the following order is passed :

ORDER

- i) The appeal is allowed.
- ii) The order impugned is set aside.
- iii) The appellant shall be released on bail in Crime No. 171 of 2024 registered at Haveli police station for the offences punishable under Sections 103(1), 109(1), 352, 351(2), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4(27) of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]