

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.637 OF 2026**

Amit Madhukar Pawar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Niranjan Mundargi a/w Keral Mehta, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent No.1 - State.*
Mr. Madan Gupta a/w Shrishti Singh and Priti Jain, *for the*
Intervenor.
Sr. PI – Gulzarilal Phadtare, Shrinagar Police Station, Thane
City, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 17TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 697 of 2025 registered with the Shreenagar Police Station, for the offences punishable under Sections 103(1), 109(1), 115(2), 3(5), 49 54 and 55 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). There are in all four accused. The Applicant is Accused No. 3.

2. The brief facts of the case are that all the parties i.e., the Complainant, his friends and accused persons are residents of the same locality. On 2nd September, 2025 at 08:30 p.m. the First Informant along with his brother and friends had gone to see Ganapati idols. They purchased cigarettes and were chatting as they passed by. They suddenly came upon some quarrel between two groups of residents of the locality. The co-accused namely, Santosh Pawar, was assaulting Vasant Tokare. The Complainant and another resident called Babu went to intervene and resolve the quarrel. At that time, another co-accused - Mahesh Pawar came in a white car and gestured to Santosh Pawar to sit in the car. It is alleged that the present Applicant was standing nearby on his two-wheeler. Santosh Pawar and co-accused- Mahesh Pawar assaulted Babu on his face with fists. Vasant Tokare started to run away from the location. Babu left the location for the police station to lodge a complaint. Thereafter, Santosh Pawar sat in his white car and started the same. His younger brother, Mahesh Pawar, also went and sat in the rear

seat. Santosh then bumped on Vitthal with the car, he drove the car over Vitthal, reversed it and again drove over him. The Complainant went to Vitthal but Santosh threatened him and also gestured that he will drive the car over him as well. In the process, the Complainant-Shankar also suffered injuries. When he tried to get up, he saw Vitthal's skull pieces were strewn on the road, his right hand was broken and he was lying in a pool of blood. Subsequently, Vitthal succumbed to his injuries and the Complainant also suffered grievous injuries. The FIR was registered against Mahesh Pawar and the present Applicant. Mahesh and present Applicant were arrested on 4th September, 2025. Santosh was arrested on 15th September, 2025. Mahesh Patil is absconding.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane. However, by order dated 30th January, 2026, the said application was rejected. Hence, the Applicant has made the present Bail Application for the relief as prayed.

4. Mr. Mundargi, learned counsel for the Applicant, submits that the Applicant is falsely implicated in the said offence. He submits that the only role attributed to the present Applicant is that he was sitting on his motorcycle a little away from the place where the incident occurred. He submits that the Applicant was in no way responsible for the acts. He further submits that even the statements of witnesses also corroborate that the Applicant was merely sitting on the motorcycle nearby and there is no active or overt act attributed to him. He further submits that the Applicant is unnecessarily made to suffer incarceration. He thus, prays that the Applicant be enlarged on bail.

5. Mr. Sonavane, learned APP representing the State, attempted to implicate the present Applicant in the alleged offence by referring to certain statements of witnesses, which also corroborate Complainant's story that the Applicant was also present on the spot of incident. He submits that the offence alleged is serious in nature and Accused No.4 is yet to

be apprehended. He, therefore, prays that the application be rejected.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. Admittedly, the story of the First Informant/Complainant is consistent with the story stated in the statements of the witnesses. I have also seen the CCTV footage of the said incident. It clearly shows a white car being driven over the victim two-three times in a gruesome manner. It is alleged by the prosecution that the driver of the car was co-accused Santosh and the person sitting in the car with him was his brother and co-accused Mahesh Pawar. The CCTV coverage corroborates the prosecution case regarding two co-accused in the white car, purposefully and mercilessly driving over the deceased victim till his head was a pulp beneath the tyres and his limbs were torn from his torso. The images are disturbing. However, the present applicant is not seen on the

spot. He is alleged to be sitting on his motorcycle across the road. Admittedly, it appears that the present Applicant was found to be sitting on his two-wheeler nearby the spot of incident. There is nothing attributive to the present Applicant. *Prima facie* it appears that he has not participated in commission of the alleged offence. The Applicant has suffered incarceration for more than six months.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) Since all the parties belong to and reside in the same locality, the Applicant shall not enter the jurisdiction of Thane City except for the purpose of attending the Trial Court on scheduled dates and reporting the Police Station;

iv) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the Complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after

being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. The Bail Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)