

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 2185 OF 2026**

Manoj Ankush Gawali ... Applicant

*Versus.*

The State Of Maharashtra ... Respondent

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Mr. Tanmay Kate a/e Prajyot Shinde, Ashraf Kazi i/b Vipul  
Dushing, for the Applicant.

Mrs. Shilpa Talhar, APP for the Respondent – State.

API Somnath Panchal, Hinjewadi Police Station, is present.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 12<sup>th</sup> June, 2026.**

**P.C. :**

1. Heard Mr. Tanmay Kate, learned Advocate for the Applicant  
and Mrs. Shilpa Talhar, learned APP for the Respondent – State.

2. This Application under Section 483 of the Bharatiya Nagarik  
Suraksha Sanhita, 2023, is filed by the Applicant seeking bail in  
Crime No. 413 of 2017, registered at the Hinjewadi Police Station,  
Pune, for offences punishable under Sections 302, 323 read with  
Section 34 of the Indian Penal Code, 1860.

3. Mr. Tanmay Kate submits that the Applicant is Accused No. 1

in Crime No. 413 of 2017. He further submits that there are three other co-accused in the said crime, which is registered as Sessions Case No. 7 of 2018.

4. Applicant was arrested on 02.09.2017 in Crime No. 413 of 2017. The said crime is registered as Sessions Case No. 7 of 2018 and pending on the file of Additional Sessions Judge, Pune (“Sessions Court”).

5. Applicant was released on Bail by the Sessions Court in Sessions Case No. 7 of 2018, vide order dated 09.03.2018. Paragraph Nos. 6, 7 and 8 of the order dated 09.03.2018 reads as follows:-

*“6. I have gone through postmortem report which does not give any reason of the death. List of the injuries were mentioned. All the injuries seems to be simple, and no cause of death is mentioned.*

*7. If act of the accused is considered, it is alleged that all the accused assaulted the deceased by kicks and fists blows. No weapon has been used. The opinion of the doctor does not support the case of the prosecution. The doctor has not opined that due to the injuries*

*caused on the persons of the deceased are sufficient to cause his death. Therefore, act of the accused does not fall under Section 302 of the IPC. At the most, it may be under Section 304 of the IPC, which is punishable for ten years imprisonment.*

*8. The case is not made out by the prosecution to attract Section 302 of the IPC. The accused are in jail since long. Therefore, it is fit case to release the accused on bail on certain conditions. Hence, I record my findings on the points accordingly and proceed to pass the following order :*

### ORDER

*1. The application is allowed.*

*2. Applicant / accused No.1 - Manoj Ankush Gawali, be released on bail on his furnishing P.B. and S.B. of Rs. 15,000/-, with direction to attend the Police Station on every 15th day of the month, till disposal of this case.”*

6. The Applicant failed to appear for trial in Sessions Case No. 7 of 2018, resulting in the Sessions Court issuing a Non-bailable Warrant against the Applicant. The said Non-bailable Warrant was executed and the Applicant was arrested on 03.02.2025. Since

then, the Applicant has been in jail.

7. Upon the Applicant being produced before the Sessions Judge, Pune, in execution of the Non-bailable Warrant, the Applicant's request to cancel the Non-bailable Warrant and to release the Applicant on bail was declined by the Sessions Court, on 03.02.2025 itself, for the reasons, as set out in the Order below Exhibit 103 in Sessions Case No. 7 of 2018, which reads as follows :-

**"ORDER BELOW EXH. 103**

*Accused no. 1 is produced before the Court in execution of a non-bailable warrant. He remained absent almost for two years. The ground subjected that he was not in contact in the earlier advocate and being illiterate could not attend the proceedings are not sufficient. The period of two years is quite large period. The accused is facing trial for an offence of capital punishment. Thus, I proceed to pass the following order.*

**ORDER**

- 1] *The Application is hereby rejected.*
- 2] *The accused is taken in custody and remanded to judicial custody for 15 days.*

*Sd/-  
Additional Sessions Judge, Pune."*

8. Mr. Tanmay Kate, learned Advocate for the Applicant, submits that the Applicant is illiterate and that due to miscommunication between the Applicant and his Advocate appearing in Sessions Case No. 7 of 2018, the Applicant lost track of the date in Sessions Case No. 7 of 2018, resulting in the Applicant's non-appearance before the Sessions Court. He submits that the Applicant has been in jail for almost 14 months since his arrest on a non-bailable warrant. On instructions from the Applicant, he submits that the Applicant shall co-operate with the trial and undertakes to appear before the Sessions Court in Sessions Case No. 7 of 2018 on each date of hearing. He submits that the Applicant shall not seek any adjournment in Sessions Case No. 7 of 2018.

9. Mrs. Shilpa Talhar, learned APP for the Respondent – State, submits that no fault can be found with the Sessions Court, for not canceling the Non-bailable Warrant. She, however, on instructions of the Investigating Officer, submits that, since the Applicant has been in jail for almost 14 months, the request made by the Applicant can be considered, subject to stringent conditions being

imposed on the Applicant.

10. Perused the Records.

11. The Applicant was granted Regular Bail on 09.03.2018 in Sessions Case No. 7 of 2018, for the reasons recorded by the Sessions Court. A prudent person would not risk having bail canceled for non-appearance.

12. Be that as it may, the Non-bailable Warrant was executed on 03.02.2025, and the Applicant has remained in jail for almost 14 months. In view of the fair stand taken by Mrs. Shilpa Talhar, learned APP for the Respondent – State, continuation of the Applicant in jail, pending the trial in Sessions Case No. 7 of 2018, is not warranted

13. In view of the above, this Application is allowed on the following terms :-

(a) The Applicant in Crime No 413 of 2017, registered at Hinjewadi Police Station, Pune, shall be released on bail upon furnishing a PR

bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two solvent sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

(b) The Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade such person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence in any manner.

(c) The Applicant shall provide the Investigating Officer, Hinjewadi Police Station, Pune with his residential address and proof thereof, his contact number and must inform the Investigating Officer, Hinjewadi Police Station, Pune, of any changes to this information from time to time.

(d) The Applicant shall regularly appear before the Additional Sessions Judge, Pune, in Sessions Case No. 7 of 2018, whenever the matter is fixed, unless specifically exempted by the Additional Sessions Judge, Pune.

14. Bail Application No. 2185 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**

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