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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2230 OF 2026

Vijay Madhukar Kharate ... Applicant

Versus.

The State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar & Ms. Juhi Kadu,
Advocates for Applicant.

Ms. Shilpa Gajare Dhumal, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th JUNE, 2026

P.C. :

1. Heard Mr. Aniket Vagal, learned Advocate for the Applicant and Ms. Shilpa Gajare Dhumal, learned APP for the State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant seeks bail in Crime No. 172 of 2025 registered at

Mhasrul Police Station, District Nashik, for offences punishable under Sections 103(1), 309(4), 311, 238, 140(1) and 3(5) of the BNS.

3. There are 4 accused in the present crime. In the charge-sheet, Applicant is shown as Accused No. 3, Avinash Kapse as Accused No. 1, Santosh Gumbade as Accused No. 2 and Ravi Somnath Shevare as Accused No. 4.

4. Said C.R. No. 172 of 2025 is registered as Sessions Case No. 392 of 2025 and is pending before the Court of Additional Sessions Judge, Nashik.

5. The prosecution case is that on 21.06.2025, when the Police were on night patrol, they received information that a dead body was seen lying at the foothills of Chamar Leni. Accordingly, the C.R. No. 172 of 2025 was registered.

6. Applicant was arrested on 04.07.2025 and remains in jail as on date. Bail Application at Exhibit 17, filed by the Applicant in Sessions Case No. 392 of 2025, was rejected by the Additional

Sessions Judge, Nashik, on 05.05.2026.

7. Mr. Aniket Vagal, learned Advocate for the Applicant, submits that the prosecution case is based on circumstantial evidence. He submits that apart from CCTV footage showing the Applicant with the co-accused exchanging an ATM card, there is no other material to implicate the Applicant in the present crime. He submits that the CCTV footage collected by the Police, in fact, shows Accused No. 1 and Accused No. 2 assaulting Umesh Aambigar (deceased). He submits that the Applicant's motorcycle was recovered at the Applicant's instance.

8. Ms. Shilpa Gajare Dhumal, learned APP for the State submits that the case of the prosecution is based on circumstantial evidence. She submits that the Applicant is present at the scene of the offence in the CCTV footage. She submits that the CCTV footage indicates that the assault on the deceased was at the hands of Accused Nos. 1 and 2.

9. Perused the records with the assistance of the learned Advocates.

10. The present case is based on circumstantial evidence. Prima facie, there is no direct evidence of the Applicant's involvement in the assault on the deceased. The Applicant is seen in the CCTV footage exchanging an ATM card with one of the Accused. Apart from that, there is no other material showing any overt act by the Applicant in the present crime. As rightly pointed out by Mr. Aniket Vagal, learned Advocate for the Applicant, the assault on the deceased is at the hands of Accused No. 1 and Accused No. 2.

11. Mr. Aniket Vagal, learned Advocate for the Applicant, states that the Applicant has no criminal antecedents. The Applicant has been in jail for almost 11 months.

12. In view of the above, the custody of the Applicant, pending the trial in Sessions Case No. 392 of 2025, is not warranted.

13. In view of the above, this Application is allowed on the

following conditions:-

(a) Applicant is directed to be released on bail in connection with C.R. No. 172 of 2025 registered with Mhasrul Police Station, Nashik City, upon furnishing a PR. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties, in the like amount, to the satisfaction of the of Additional Sessions Judge, Nashik in Sessions Case No. 392 of 2025.

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

(c) Applicant shall, within three (3) days of his release from jail, provide to the Investigating Officer, Mhasrul Police Station, Nashik his residential address with proof, the contact numbers and must inform the Investigating Officer about the change in the same from time to time.

(d) Applicant shall regularly appear before the Additional Sessions Judge, Nashik in Sessions Case No. 392 of 2025, unless specifically exempted.

14. Criminal Bail Application No. 2230 of 2026 is allowed.

(ASHWIN D. BHOBE, J.)