



**Special Case No. 45/2026**

(CNR No.: MHPU14-000321-2026)

**State of Maharashtra**

**Vs.**

**Bharat @ Sunny Tanaji Pondkul & Ors.**

**ORDER BELOW EXH. 4**

1. This is successive second bail application filed by applicant/ accused No.1 **Bharat @ Sunny Tanaji Pondkule** under Section **483** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of bail, in connection with Crime No. 314/2025 for the offence punishable under Section 109, 118(1), 115(2), 126(2), 352, 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, Section 4/25 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered with Malegaon Police Station, Dist. Pune.

2. **The allegations in the FIR are summarized as under:**

On 15/12/2025 at about 8.00 pm informant had gone to village Sangvi, thereat he saw accused Sunny @ Bharat Pondkule. Informant asked accused to refund hand loan amount of Rs.2,700/-, obtained before 4-5 days. On which accused became annoyed and started uttering abuses and threatening informant. At about 8.30 pm informant was returning back to his native place Shiravli on his motorcycle. When he reached in front of the house of Pradip Pondkule, accused came from his back side on his motorcycle no. MH-42-5282, restrained informant in the way and took out key of motorcycle of the informant. He told to the informant that, it is a village of Patil and they are having supremacy, informant shall tender apology. Informant asked him, why he shall tender apology, on which accused inflicted blow of scythe on head of informant, he fell down on ground. Again

accused inflicted blow of scythe on person of informant. Akshay Khandagale was intervening said scuffle, on which accused used criminal force and violence against him by means of scythe. Again he assaulted informant by kick and blows. Then the family members of accused came and took him away. The informant had sustained bleeding head injury. He made phone call to his family members and narrated the incident. Then his family members reached to the spot and took him to Malegaon Police Station. Then police referred him along with yadi for his medical examination and treatment to medical college at Baramati. He was under treatment. He took further treatment in Omkar Hospital, Baramati. On report lodged by informant, above referred crime has been registered.

3. Accused has been arrested on 19/12/2025, he was remanded to police custody remand till 22/12/2025. Since 22/12/2025 he is remanded in Judicial Custody remand. He had filed Criminal Bail Application no. 999/2025, it has been rejected by this court vide order dated 16/01/2026. Now, investigation is completed and charge-sheet is filed, therefore he filed this successive application on the grounds raised in his application for grant of regular bail.

4. The prosecution has strongly resisted the application by filing its reply at **Exh.5**. Contents in it are nothing but replica of contents of FIR and replica of charge-sheet. Lastly, urged for rejecting the application.

5. Notice was issued to the informant, in response to said notice informant/victim appeared before this court and filed his

affidavit at **Exh.11** through advocate. He contended that, accused is having complicity in the serious offence punishable under Section 109 of B.N.S. for which punishment upto life imprisonment has been provided. He is having criminal antecedents. If, he is released on bail there is possibility of threatening witnesses. There is danger to the life of informant and prosecution witnesses. There is a possibility of repetition of crime. The family members of accused giving threats to the informant for withdrawing case against accused. Hence urged for rejecting application. The informant/victim has filed photographs of head injuries and other injuries sustained by him under list Exh.13.

6. Heard arguments of both sides. Learned counsel for the applicant/accused submitted that, earlier bail application no. 999/2025 has been rejected by this court, making observations that, investigation is in progress and there is possibility of causing interference in the investigation. Now, investigation is completed and charge-sheet is filed. From the contents of FIR initially offence under Section 115(2) of B.N.S. was registered. Sub-sequently supplementary statement of informant has been recorded, incorporating words that, he will kill the victim and inflicted blow of scythe on head of informant. However, there is no grievous injury caused to the informant/victim. There is no abnormality detected in CT Brain. There is no fracture injury to the victim. Photograph placed on record is contrary to the medical certificate. Only antecedents is not a ground to deny bail. He is ready to obey the conditions. Hence, urged for granting bail.

7. The learned A.P.P. submitted that, offence is serious one. There is sufficient prima-facie material on record showing

complicity of accused in serious offence of attempt to murder punishable under Section 109 of B.N.S., for which punishment upto life imprisonment has been provided. The informant/victim and accused belongs from same village. The relatives of accused threatening informant for withdrawing the case against accused. Investigation is in progress. If, accused is released on bail there is every possibility of tampering evidence. There is possibility of threatening informant/victim. There is possibility of repetition of crime. Hence, urged for rejecting application.

8. Learned counsel for the informant submitted that, the informant has filed affidavit **Exh.11** contending therein that, the relatives of accused threatening him for withdrawing the case against accused otherwise they will kill him. If, accused is released on bail there is danger to the life of informant/victim. Accused is having criminal antecedents. He has caused grievous injuries on vital part head. It prima-facie shows complicity of accused in serious offence of attempt to commit murder, for which punishment upto life imprisonment has been provided. The photographs placed on record under list Exh.13 clearly shows grievous injury on vital part head of the victim/informant. Hence, urged for rejecting application.

9. On hearing submissions of both sides I have evaluated the recitals of FIR, statements of witnesses, remand report, photographs and other documents filed on record by the prosecution. At this stage, it reveals from the material placed on record that, there is complicity of this accused in the serious crime registered against him punishable under Section 109 of B.N.S.. The recitals of FIR categorically shows that, by making preparation

accused inflicted blow of scythe on vital part head of informant/victim. The photographs under list Exh.13 corroborates recitals in the FIR. Even affidavit Exh.11 of informant/victim corroborates recitals of FIR. The medical certificates shows head injury, having size 4 cm x 2 cm x 1 cm, age of injury is shown 4 hours, nature of injury is shown simple. Further the certificate shows CT Brain no trauma related abnormality. No obvious fracture to left ankle. However, the photographs placed on record under list Exh. 13 clearly shows that, there is cut injury of sharp edged weapon on vital part head of the informant/victim. This photograph has been corroborated by injury no.1 in medico-legal certificate no. 8712 issued on 15/12/2025. The age of injury shown within 4 hours. Hence, considering this aspect such injury by sharp edged weapon on vital part middle of the head at this stage, it can be inferred that Section 109 of B.N.S. attracts in present case. Section 109 of B.N.S. never speaks that, injury must be grievous, it speaks intention or knowledge and act committed by the accused. In present case, the contents of complaint, affidavit Exh. 11 coupled with injury certificate clearly shows that, the accused has intentionally and knowingly inflicted blow of deadly weapon scythe on vital part of the head of the victim/informant. Not only this but the eye-witnesses Akshay Khandagle and Dattatray Kavale corroborated the contents of complaint lodged by informant/victim. This court has discussed in detail, the material placed on record before this court, discussed the case laws relied on behalf of applicant/accused in Criminal Bail Application No. 999/2025 and rejected said application, considering nature and gravity of the offence. Now, charge-sheet is filed after completing investigation. This itself is not a ground to grant bail. Not only this

but the affidavit Exh. 11 of the informant categorically shows that, this accused is having criminal antecedents and six criminal cases specifically numbered in affidavit Exh. 11 are pending against the accused. Thus, considering the fact that, there is sufficient material on record regarding complicity of accused in serious offence of attempt to commit murder punishable under Section 109 of B.N.S. and also considering previous criminal antecedents, it is not fit case to extend benefit of grant of bail. Moreover, considering contents of affidavit Exh. 11 filed by the informant/victim and considering previous criminal antecedents against the accused, there is every possibility of threatening witnesses, tampering evidence. There is possibility of repetition of crime. In view of these discussions this court is of the view that, the applicant/accused has not made a case for grant of bail. In the result, I pass following order.

#### **ORDER**

The Bail Application (**Exh.4**) filed in Special Case no.**45/2026** by accused No.1 **Bharat @ Sunny Tanaji Pondkule** in connection with Crime No. 314/2025 registered with Malegaon Police Station, Pune Rural, for the offences punishable under Section 109, 118(1), 115(2), 126(2), 352, 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, Section 4/25 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, **is rejected.**

Baramati.  
Date : 07/03/2026.

[ **B. D. Shelke** ]  
Special Judge,  
Baramati, Dist. Pune

