

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 BAIL APPLICATION NO. 1246 OF 2025

RAHUL DEVIDAS KALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K.N. Shermale
APP for Respondent/State : Mr. G.O. Wattamwar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 12/08/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 916/2023 dated 8.11.2023 registered at Sangamner City Police Station, Sangamner, Tal. Sangmner, Dist. Ahmednagar for the offence punishable under sections 307, 224, 225, 120-B, 212, 201 r/w. 34 of IPC and section 3/25 of Arms Act.
3. The case against the applicant is that on 8.11.2023 at about 7.30 p.m. in the evening, the applicant ran away from the prison while he was in police custody in a crime registered against him under section 302 of IPC. Hence, crime is registered for offence under section 224 and 225 of IPC. Later on in the supplementary statement the complainant has stated that driver of the vehicle in which the present applicant ran away had attempted to give dash to the guard of the jail and as such, offence under section 307 of IPC is also added.
4. The learned counsel for the applicant has taken me through the evidence, more particularly, transcript of CCTV footage of the crime and

submitted that at the most, it would be the offence under section 224 and 225 of IPC for jail breaking and fleeing from the police custody and the offence under section 307 of IPC is not made out against the applicant. The learned counsel submits that CCTV footage does not show that any vehicle had hit the guard of the jail. It is also stated that the driver of the vehicle in which applicant ran away is also granted bail. In any event, the applicant is occupant of the vehicle and cannot be charged with section 307 of IPC. The learned counsel submits that the applicant is in custody from 10.11.2023. The learned counsel therefore prays to release the applicant on bail.

5. The learned APP strongly opposed the application on the ground that applicant was in custody of police in a crime registered under section 302 of IPC and during custody he has committed the present offence. The learned APP submits that if the applicant is released on bail, he will get benefit of this order in a crime registered against him u/s. 302 of IPC. The learned APP therefore prays to dismiss the application.

6. After considering the above submissions and on perusal of the record, it appears that the applicant is in custody from 10.11.2023 and the maximum punishment provided is of 7 years imprisonment. The driver of the vehicle who has allegedly attempted to hit the vehicle on the guard of the jail has been also released on bail. Considering above, I hold that regular bail can be granted to the applicant in this crime.

7. However, it is brought to my notice that the applicant is in custody for the offence under section 302 of IPC. It is made clear that the trial court shall not be influenced by the observations made in this order while dealing with the application, if any, filed for bail by the applicant in a crime registered for the offence u/s. 302 of IPC and it would be independently considered by that court.

8. In view of the above, the application is allowed in the following terms :
- a] The applicant shall be released on bail in connection with Crime No. 916/2023 dated 8.11.2023 registered at Sangamner City Police Station, Sangamner, Tal. Sangamner, Dist. Ahmednagar for the offence punishable under sections 307, 224, 225, 120-B, 212, 201 r/w. 34 of IPC and section 3/25 of Arms Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
 - b] The applicant, upon being released on bail, shall not contact the informant or witnesses in any manner whatsoever, during the pendency of the trial.
 - d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the Court.
 - e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
 - f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.
9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.
11. It is further made clear that the trial court shall not be influenced by the observations made in this order while dealing with the application, if any, filed

for bail by the applicant in a crime registered for the offence u/s. 302 of IPC and it would be independently considered by that court

12. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/