



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 1944 OF 2025

PRABHU RAIBHAN BHALEKAR
VERSUS
THE STATE OF MAHARASHTRA

AND
CRIMINAL APPLICATION NO. 4135 OF 2025 IN BA/1944/2025
(ASSIST TO APP)
ADITYA BABAN POKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for applicant : Mr. N.B. Khandare, Sr. Advocate i/by Mr. P.D. Jarare
APP for the respondent – State : Mr. S.M. Ganachari
Advocate for assist to APP : Mr. S.E. Shekade
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 293 of 2025 dated 02.06.2025 registered with Jamkhed Police Station, District - Ahilyanagar for the offences punishable under section 109, 115(2), 352, 3(5), 189(2), 189(3), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, under section 3, 25 of the Arms Act.

2. The genesis of the case lies with registration of report lodged by the complainant on 02.06.2025 with an allegation that on 01.06.2025 at about 10.00 pm, the complainant, along with his friends

and mother accompanied with other persons, were connecting wire to the electric motor near the bridge at Jamkhed.

3. At the relevant point of time, two cars reached there and unknown persons alighted from those cars. Thereafter, all started urinating beside the road. In the aforesaid backdrop, Prajwal Palwe requested the applicant and accused persons not to urinate on the said spot. While responding to the said request, it is alleged accused persons started abusing them, including the mother of the informant and thereafter, even started assaulting the informant with kicks and fists.

4. Realizing this discord, the victim Kunal Pawar approached to the spot, at the relevant point of time, the present applicant allegedly fired three rounds of pistol. Out of these three rounds, two were fired in the air and one injured – Kunal. Injured was treated in a private hospital at Jamkhed and was referred for further treatment at Ahilyanagar. This incident led to investigation and applicant was arraigned as an accused along with other accused persons.

5. Mr. Khandare, learned Senior Counsel, by inviting attention of this Court to the *panchanama*, dated 02.06.2025, submitted that drawing of *panchanama* commenced at 9.40 am and concluded at 11.15 am on 02.06.2025, whereas the applicant was produced before

the Magistrate on 03.06.2025 at about 00.36 hours i.e. beyond 24 hours. As such, the applicant was illegally detained.

6. It is further submitted that pursuant to the arrest, investigation is now completed, chargesheet has been filed. Even recovery of pistol, allegedly used in the incident and the bullets, copy of the licence, the mobiles, the vehicles allegedly used in the incident, are also effected. He submitted that the incident occurred at the spur of the moment and there was neither preparation nor motive. As such, the further incarceration of the applicant is not warranted. Attention of this Court is also invited to the injury certificate which indicates nature of the corresponding injuries as simple. As such, prayed that the application may be allowed and the applicant be enlarged on bail, by imposing stringent conditions.

7. Mr. Ganachari, learned APP and Mr. Shekade, learned counsel for the informant has vehemently opposed the application, submitting that the use of pistol by the accused persons disentitle the applicant to claim bail in the present application. The victim has sustained the injuries owing to the gunshot at the instance of the present applicant. In the event, the applicant is enlarged on bail, the applicant will pressurize the prosecution witness.

8. Upon considering the submissions of both the sides and perusing the material on record, including the chargesheet and injury certificate. It is evident that the alleged incident has occurred at the spur of the moment, therefore, *prima facie*, there was no motive on the part of the present applicant.

9. Perusal of the injury certificate, issued by a private hospital, *prima facie*, indicates that the injuries are simple in nature. In view of the above and completion of investigation, no fruitful purpose would be served by further incarceration of the applicant. The apprehension expressed by the learned APP, can be adequately taken care of by imposing stringent conditions.

10. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

(II) Applicant - Prabhu Raibhan Bhalekar, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 293 of 2025 dated 02.06.2025 registered with Jamkhed Police Station, District - Ahilyanagar for the offences punishable under section 109, 115(2), 352, 3(5), 189(2), 189(3), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, under section 3, 25 of the Arms Act, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

11. Needless to state that the observations made herein-above are confined for the purpose of the Bail Application and the Trial Court shall not get influenced by the same and decide the case on its merits.

12. Criminal Application No. 4135 of 2025, seeking permission to assist the APP, is allowed and disposed of.

[SACHIN S. DESHMUKH]
JUDGE

arp/