

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Bail Application No.1926 of 2024

Rahul Ganesh Chavan
Age about 23 yrs, Occ: Nil
R/o Gosavi vasti, Karvenagar,
Pune (at present detained in
Central Prison Yerwada, Pune)

... Applicant

Versus

The State of Maharashtra
through Warje Malwadi Police Station,
Pune (CR no.38 of 2023)
Notice to be served on the APP,
High Court, Mumbai.

... Respondent

Mr Mithilesh Mishra i/by Shubhangi Parulekar for the
applicant.

Mr SV Walve, APP, for the respondent/ State.

PSI Sunil Jagadale, Police Station, Warje Malwadi police station.

Coram: R.N. Laddha, J.

Date: 13 November 2025.

P.C.:

Heard Mr Mithilesh Mishra, learned Counsel appearing
on behalf of the applicant and Mr SV Walve, learned Additional
Public Prosecutor representing the respondent/State.

2. By this application, the applicant seeks bail in connection with CR No.38 of 2023, registered at Warje Malwadi Police Station, Pune, for offences punishable under Sections 307, 397, 341, 323, 504, 506, 506(2) read with Section 34 of the Indian Penal Code (IPC); Sections 3(1)(ii) and 3(4) of the Maharashtra Control Organised Crime Act, 1999 (MCOC Act) and Section 7 of the Criminal Law Amendment Act.

3. It is the case of the prosecution that informant Tushar Dnyandeo Dhanwate, resident of Uttamnagar, Pune, employed with K Enterprises, was proceeding towards his maternal aunt's residence at Mavale Ali, Karvenagar, Pune, along with his friend Amit Baban Dhanwe, in the early hours of 30 January 2023, after parking his tempo near RMD College. While traversing Mavale Lane near Gosavi Vasti, three unidentified males accosted them, demanded money, and upon refusal, physically assaulted them by means of fist and kick blows. One of the assailant, namely Saurabh, a local gang leader, forcibly searched the informant's shirt pocket. Upon resistance, another assailant /applicant verbally abused and threatened the informant, broke a beer bottle against a wall, and inflicted injury above his left ear. During the incident, gang leader Saurabh allegedly extracted Rs.960/- from the informant's pocket. Subsequently, all three accused continued the assault

and issued threats to bystanders, warning of fatal consequences in case of intervention. Saurabh, a gang leader, further threatened the informant with dire consequences if he approached the police. Thereafter, all the three accused persons, identified as Kumar Chavan, Saurabh Pawar, and applicant/accused Rahul Chavan, fled the scene.

4. The learned Counsel appearing on behalf of the applicant has strenuously urged that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant is not named in the FIR, and his alleged involvement has surfaced only at a subsequent stage. It is further contended that the nature of the injury sustained by the informant is classified as simple, and does not attract the ingredients of Section 307 IPC. The informant has already been discharged from the hospital immediately, and there is no medical evidence suggestive of any grievous or life-threatening harm. Moreover, the invocation of Section 397 of the IPC, is wholly misconceived, as there is no allegation or material on record to suggest that the applicant had, at any point, committed robbery or extortion while armed with a deadly weapon. It is submitted that the applicant did not take any money from the informant, and even as per the prosecution's own narrative, the act of snatching money was allegedly

committed by co-accused Saurabh, who has already been enlarged on bail. The applicant is not known to the informant, and no TIP has been conducted, which was necessary in the present case to establish identity.

5. The learned Counsel further submits that the applicant has no nexus or association with the alleged gang leader Saurabh, who is already released on bail. The statement of witness Amit Dhanve, purportedly recorded on 30 January 2023, is internally inconsistent. While the initial portion of the statement attributes the assault to an unknown person wielding a beer bottle, the latter part inexplicably introduces the applicant as the assailant using a broken beer bottle.

6. The learned Counsel submits that the applicant has been languishing in jail since 30 January 2023, and despite the lapse of considerable time, the charges have not yet been framed. According to the learned Counsel, the prolonged incarceration without commencement of trial amounts to pre-trial punishment and violates the applicant's fundamental rights under Article 21 of the Constitution of India. The applicant undertakes to abide by any condition this Court may deem fit to impose and assures that he will not misuse the liberty, if granted.

7. On the other hand, the learned Additional Public Prosecutor representing the respondent/State has vehemently opposed the applicant's request for the grant of bail, contending that the offences alleged are grave and serious in nature. It is further submitted that the applicant has criminal antecedents, which reflect his propensity to engage in unlawful activities. The applicant is an active member of the criminal gang. It is also submitted that the statements of the prosecution witnesses indicate the applicant's direct and active involvement in the commission of the offence. The applicant assaulted the informant using a broken beer bottle, demonstrating violent conduct and a disregard for the law.

8. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records, including the affidavit filed on behalf of the respondent/State.

9. The applicant seeks enlargement on bail in connection with the alleged incident dated 30 January 2023, wherein the informant and his companion were reportedly assaulted and robbed by three unidentified individuals near Gosavi Vasti, Karve Nagar, Pune. It appears from the record that the applicant is not named in the FIR and his alleged involvement has surfaced only at a subsequent stage. The identification of

the applicant appears to be based on a later statement, and no TIP has been conducted to establish his identity, despite the informant's claim that the assailants were previously unknown to him.

10. It further appears that the nature of the injury sustained by the informant is classified as simple. The medical record indicates that the informant was discharged immediately, and there is no material to suggest grievous or life-threatening harm. In such circumstances, the applicability of Section 307 IPC is *prima facie* doubtful. As per the prosecution's own case, the act of snatching money was allegedly committed by co-accused Saurabh, who has already been enlarged on bail.

11. It also appears that the statement of witness Amit Dhanve is internally inconsistent. While the initial portion attributes the assault to an unknown person wielding a beer bottle, the latter part introduces the applicant as the assailant. Furthermore, the applicant has been languishing in jail since 30 January 2023 and despite the lapse of considerable time, the charges have not been framed, and the trial has not commenced. The co-accused, Saurabh, allegedly the gang leader, has already been released on bail. Moreover, there exists no substantive material on record to demonstrate the applicant's affiliation with any gang. Mere

assertions of gang involvement, in the absence of credible and cogent material, cannot constitute a valid ground for denial of bail.

12. In view of the foregoing, particularly the applicant's non-naming in the FIR, absence of TIP, nature of injury, co-accused being granted bail, and delay in trial, this Court is of the view that the applicant is entitled to be released on bail, subject to appropriate conditions. Accordingly, the following order is passed :

ORDER

(i) The applicant shall be released on bail in CR No.38 of 2023, registered at Warje Malwadi Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant shall not enter the territorial jurisdiction of Pune city, till the

conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the concerned Officer of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid reason.

(vi) Any breach of the above conditions shall entail cancellation of bail.

13. The present bail application stands disposed of accordingly.

[R.N. Laddha, J.]