

AGK

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

BAIL APPLICATION NO.3877 OF 2024

Sandesh Namdev Jadhav	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Dheeraj Panchange for the applicant.

Mrs. Rajashree Newton, APP for the respondent-State.

Mr. Hanumant Humbe, API, Mahatma Phule Chown
Police Station, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 18, 2025

P.C.:

1. The present bail application is filed under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking his release on regular bail in connection with Crime Register No.660 of 2023, registered with Mahatma Phule Chowk Police Station. The said crime is registered for offences punishable under Sections 307 (attempt to murder), 395 (dacoity), 387 (putting person in fear of death or grievous hurt in order to commit extortion), 143 (unlawful assembly), 147 (rioting), 452 (house trespass after preparation for hurt), 341 (wrongful restraint), 504 (intentional insult to provoke breach of peace), and 506(2) (criminal intimidation) of the Indian Penal Code, 1860, and under Section 37(1) read with Section 135 of the Maharashtra Police Act.

2. The case of the prosecution, in brief, is that on 19th November 2023, at about 6:30 p.m., the applicant along with the co-accused persons allegedly entered the house of the informant forcibly. It is alleged that a chemical substance was thrown on the face of the informant and thereafter, a pillow was pressed on his nose and mouth with the intent to kill him. It is further stated that co-accused Sanjay Jadhav pointed a pistol towards the informant, and one unknown person showed him a knife. The informant is a senior citizen, aged about 74 years. Based on the allegations, the offence was initially registered, and subsequently, Section 307 of IPC was added on the ground of attempt to murder. It is the prosecution's case that the accused persons committed a planned act of dacoity by entering the informant's house in a group.

3. The applicant was arrested on 22nd November 2023. The application filed before the Sessions Court for bail came to be rejected. The applicant has now approached this Court with the present application seeking regular bail.

4. Learned Advocate appearing for the applicant has submitted that the identity of the applicant is doubtful in the context of the allegations made. It is submitted that the supplementary statement of the informant, which refers to the presence of an unknown person on the spot, was recorded on the very next day, and the applicant has not been identified in any Test Identification Parade (TIP). It is further contended that there is no specific material on record to show that the applicant was the person who committed the acts alleged. The learned Advocate, therefore, submits that the applicant deserves to be released on bail, more particularly when

he is in custody since November 2023 and the trial is not likely to commence in the immediate future.

5. On the other hand, the learned APP for the State has opposed the application. She has submitted that CCTV footage clearly shows the presence of the applicant along with the co-accused at the spot of incident. It is specifically contended that the applicant is the person who was holding a knife and threatening the informant, who is a senior citizen. It is submitted that the allegations are of a serious nature involving violence, criminal intimidation, and an attempt to take the life of the informant. The learned APP, therefore, submits that in view of the nature of offence, the manner in which the offence is committed, and the gravity involved, the applicant is not entitled to be released on bail at this stage.

6. On perusal of the charge-sheet, including the statement of the informant and his supplementary statement, as well as other material available on record, it is seen that the specific role attributed to the applicant is that of an “unknown person” who was allegedly holding a knife during the commission of the offence. However, it is an admitted position that no Test Identification Parade (TIP) was conducted to establish that the applicant is indeed the same person who participated in the offence.

7. Though it is the prosecution’s case that a knife has been recovered from the applicant, the mere recovery of a weapon, without any corroborative evidence such as identification through

TIP or direct attribution by witnesses, is not by itself sufficient at this stage to connect the applicant conclusively with the role of attempting to commit murder under Section 307 of IPC. The recovery of the knife may support the investigation, but in the absence of identification or other direct material, it cannot conclusively fix his identity as the person involved in the incident.

8. It is also important to note that there are no previous criminal antecedents to the discredit of the applicant. He appears to be a first-time accused. No material is brought on record to show that the applicant is likely to abscond or tamper with evidence if released on bail.

9. It is well-settled that at the stage of consideration of bail, the Court is not expected to go into a detailed analysis of evidence as would be required during trial. The purpose of bail is to ensure the presence of the accused during trial unless the allegations are of such gravity and the material is so strong that continued custody is necessary in the interest of justice. In the present case, in the absence of a TIP and clear identification, the material presently on record does not prima facie justify continued incarceration of the applicant under Section 307 IPC.

10. In my considered opinion, therefore, the applicant has made out a case for grant of bail on appropriate conditions.

: ORDER :

- (i) The bail application is hereby allowed.
- (ii) The applicant is directed to be released on regular bail

in connection with Crime Register No.660 of 2023 registered with Mahatma Phule Chowk Police Station for offences punishable under Sections 307, 395, 387, 143, 147, 452, 341, 504, 506(2) of the Indian Penal Code, and under Section 37(1) read with Section 135 of the Maharashtra Police Act, on his executing a personal bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report to Mahatma Phule Chowk Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.
- b) The applicant shall not tamper with the evidence or attempt to contact or influence any witness, directly or indirectly.
- c) The applicant shall appear before the Trial Court on every date of hearing, unless prevented by a sufficient and valid cause.
- d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

11. The bail application is accordingly disposed of in the above terms.

(AMIT BORKAR, J.)