

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4947 OF 2024**

Bajrang @ Ganesh Ramesh Waghire	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Satyavrat Joshi a/w Mr. Samay Pawar, i/by Reena Prajapati for Applicant.

Ms. Poonam B. Bhosale, APP for the Respondent No.1-State.

Ms. Samiksha Pawar, Advocate appointed for Respondent No.2.

API Mr. Amol Kadam, Pimpri Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 9th September 2025

P.C.:

1. Heard Mr. Satyavrat Joshi, learned Counsel appearing for the Applicant, Ms. Samiksha Pawar, learned Counsel appointed to represent the interest of the Respondent No.2 and Ms. Bhosale, learned APP for the State.

2. This is a second Bail Application filed under Section 439 of Code of Criminal Procedure, 1973. The first Bail Application has been allowed to be withdrawn by Order dated 12th February 2022.

3. The prosecution case is that on 24th June 2022 in the night at Pimpri, the Applicant assaulted the injured Simran Hemant

Kamlelu with knife on the abdomen and caused stab injury on the right side and thereby attempted to kill her. As per the prosecution case about 10 to 12 days prior to the said incident, Accused- Sakshi Umap ran away with her boyfriend and her friend Accused- Srusti Medankar, tried to force the injured Simran to falsely state that Accused Sakshi had come to her house and Simran had refused to say so and therefore, the Applicant and Accused- Sakshi and Srusti made criminal conspiracy and as a result of that, the Applicant assaulted Simran with knife. Accordingly, on 25th June 2022, F.I.R. has been lodged under Section 307 read with Section 120-B of the Indian Penal Code.

4. In this Bail Application, a learned Single Judge (Shri Justice Anil S. Kilor) issued notice to the Respondent by Order dated 29th November 2024. This Bail Application was placed before this Court on 31st January 2025 as earlier Bail Application bearing B.A. No.2189 of 2023 has been allowed to be withdrawn by this Court.

5. On 31st January 2025, as it was pointed out by the learned APP that there are about 19 antecedents against the Applicant, Mr. Joshi, learned Counsel appearing for the Applicant sought time to

take instructions regarding the offences, which are mentioned on page-117 of the Bail Application. Mr. Joshi, learned Counsel for the Applicant on several occasions took time to produce details of these 19 antecedents and ultimately produced the same on 2nd May 2025.

6. In the meanwhile by Order 3rd April 2025, this Court has directed the Applicant to implead the First Informant i.e mother of the injured as party-Respondent No.2 and issued notice to the Respondent No.2. On 24th April 2025, learned APP stated that the Respondent No.2 has been served, however, the Respondent No.2 has informed the I.O. that an Advocate through Legal Aid be appointed. Accordingly, Ms. Samiksha Pawar, learned Counsel of this Court was appointed to represent interest of the Respondent No.2. On 2nd May 2025, Ms. Samiksha Pawar, learned Counsel sought time to file Affidavit-in-Reply. On the same day, compilation of documents concerning 19 offences have also been tendered by Mr. Joshi, learned Counsel for the Applicant.

7. On 24th July 2025, Mr. Joshi, learned Counsel for the Applicant raised the contention that although there is long

incarceration, there is no progress in the trial and the Applicant i.e. Accused No.1 has not been produced before the Court either physically or virtually and he submitted that even the Charge is also not framed. In view of said contention, learned APP sought time to file Affidavit-in-Reply and accordingly Affidavit-in-Reply of Sunil N. Dhamala, Superintendent of Yerwada Central Prison dated 2nd August 2025 and Additional Affidavit-in-Reply dated 29th July 2025 of Shri. Chiranjiv Nagesh Dalalwad, Police Sub Inspector, Pimpri Police Station, Pune has been filed.

8. Thereafter the Bail Application has been heard completely on 4th August 2025 and as this Court was not inclined to grant bail, the matter was kept on 7th August 2025 to take instructions regarding withdrawal of the Bail Application. However, on 7th August 2025, Mr. Joshi, learned Counsel submitted that the Applicant had suffered paralytic stroke in the jail on 6th August 2025 and therefore, he was admitted in Sasoon General Hospital, Pune. In view of the said development, Ms. Bhosale, learned APP took time and produced papers concerning medical treatment of the Applicant. Thereafter learned APP took time to file affidavit-in-reply of Doctor treating the Applicant and accordingly Affidavit of

Dr. Indranil B. Patil, Chief Medical Officer, Yerawada Central Prison, Pune dated 3rd September 2025 has been filed.

9. Perusal of record shows that the injured Simran Hemant Kamlelu has filed detailed Affidavit dated 17th June 2025. The said Affidavit *inter alia* states as under :

“As per the statement given by my mother on 25/06/2022, I had completed my 12th examination externally. I was threatened and later brutally assaulted by the accused persons.

Approximately 10-12 days before the incident, one accused, Sakshi Umap, had left her house with her boyfriend. Her friend, Srushti Medankar, tried to force me to falsely state that Sakshi was at my house. When I refused, Srushti threatened to defame and assault me.

On the night of 24/06/2022, around 9:30 PM, I had left my house stating I was going to my sister-in-law's home. **At around 11:45 PM, my mother heard my screams and found me near the gate, bleeding from a stab wound on the right side of my stomach.**

I was taken to Morya Hospital, Chinchwad, and then shifted to Aditya Birla Hospital, Thergaon due to the seriousness of my injuries. During emergency treatment, I disclosed that I was stabbed by Bajrang Waghire using an iron knife, upon the instructions and in conspiracy with Sakshi Umap and Srushti Medankar, because I had refused to support their false claims.

The attack was premeditated and executed with the intent to kill. The injury caused severe internal damage, requiring emergency surgery and long medical treatment.

The FIR was registered on 25/06/2022. The charge sheet has been filed. The accused was arrested on 02/07/2022 and has been in judicial custody since 05/07/2022. The knife used in the crime has been seized.

I lived with my mother and younger sister. Srushti Medankar had come to stay with us after leaving her house following a fight. She tried to persuade me to accompany her to meet her partner, which I declined. Later, Sakshi and her boyfriend, Suraj, also tried to take me to Lonavala, which I again refused. On the same day, Sakshi's mother kept calling me, and when I picked up, she asked if Sakshi was at my house. I said no. Suraj then called me and pressured me to lie to her mother about the vehicle not having petrol. I again refused.

I then received threatening calls from Srushti and Sakshi, accusing me falsely of spreading rumors. I denied the allegations. **Bajrang, who had once proposed to me, was clearly told by me that I saw him as a brother, but he emotionally manipulated me and insisted I keep his advances secret.**

A few days later, I saw Bajrang, Srushti, and Sakshi near my house. On the night of the incident, as I spoke to a friend who came to deliver a laptop, Bajrang approached and, after a short exchange, stabbed me

without warning with iron knife on right side of my stomach.

After my discharge, I continued to receive threats from unknown numbers that Bajrang had been released and would harm me and my family.

My father passed away 13 years ago. I live with my mother and 14-year- old sister. We have no male support or protection. Due to the injury and fear, I lost a job opportunity and remain unemployed.

GROUND FOR REJECTION OF BAIL :

i. The accused, Bajrang @ Ganesh Ramesh Waghire, is a habitual criminal with 19 prior criminal cases, including for murder, attempt to murder, robbery, and dacoity. He is also accused of murdering his own father.

ii. If released on bail, he poses a serious threat to me, my family, and public safety.

iii. I have named all the accused persons in my statement under Section 164 CrPC. My statement is corroborated by medical records, call data records (CDR), eyewitness testimony, and the seizure of the weapon.

iv. This is not a private dispute but a conspiracy involving multiple people, intending to silence me permanently.

- v. If the applicant is released on bail :
 - i. He may threaten, harm to me, or eliminate me or witnesses.
 - ii. He may tamper with the evidence.
 - iii. He will endanger public order and shake confidence in the criminal justice system.

(Emphasis supplied)

Thus, the said Affidavit of injured makes reference to the material on record showing involvement of the Applicant in the crime. The said Affidavit also shows that threats are being given to the Applicant.

10. Perusal of record shows that there are two eye-witnesses to the incident. The offence is under Sections 307 and 120(B) of the Indian Penal Code and Section 37(1)(3) read with 135 of the Maharashtra Police Act. The offence under Section 307 of the Indian Penal Code is the offence of attempt to murder which is liable to imprisonment for up to ten years and a fine. If hurt is caused by such an act, the punishment can be upto imprisonment for life.

11. The record further shows that there are total 19 antecedents. The Applicant is involved in very serious offences under Sections

302, 307, 392, 315, 326, 427 of the Indian Penal Code. The Chart is as under:

COMPILATION OF ANTECEDENTS

Sr No.	CR No.	Sections	Remarks	Page No.
1.	06/2007	324, 504, 34	On Bail	1-10
2	12/2009	392, 34	No record found	--
3	26/2009	324, 25	On Bail	11-20
4	100/2019	302, 427	On Bail (Order not uploaded NBW after arrest)	21-23
5.	83/2009	385, 336, 427	--	25
6.	398/2011	324, 34	Applicant's name is not there	--
7.	116/2012	324, 323, 504, 34	On Bail. Order is not uploaded (Awaiting Summons)	26
8.	202/2012	315, 326, 427	On Bail (Order is not uploaded) (Awaiting Summons)	27
9.	3260/2012	506(2)	Applicant's name is not there	--
10	228/2012	143, 147, 336, 427	On Bail	28-50
11	65/2013	325, 323, 427, 34	On Bail	51-63
12	12/2013	399, 402 Arms Act 4(24)	On Bail. (Order not uploaded)	64
13	175/2013	324, 323, 34	On Bail.	65-70
14	348/2013	IPC 452, 323, 504, 506, 427 34	On Bail.	71-85
15	272/2014	IPC 311,402	Applicant's name is not there.	---
16	284/2015	IPC 307, 336, 338, 427, 34	On Bail	86-88

17	316/2014	IPC 436, 34	On Bail (Order not uploaded)	89
18	149/2016	IPC 302, 34, 201	On Bail	90-92
19	953/2019	Police Act 142	Unready on board	93

12. The above chart shows that as far as the Applicant is concerned, there are two offences under Section 302 of the Indian Penal Code, another earlier offence under Section 307 of Indian Penal Code and other offences which are of very serious nature.

13. As per the settled legal position the following parameters are inter alia required to be taken into consideration for granting bail:-

- a) nature and gravity of circumstances in which offence was committed;
- b) position and status of accused with reference to the victim and the witnesses;
- c) likelihood of accused fleeing from justice;
- d) likelihood of accused tampering with witnesses;
- e) history of the case as well as of its investigation.

It is also a settled legal position that the Court is not required to enter into a detailed analysis of the evidence in the case at the stage of consideration of Bail Application.

14. The Hon'ble Supreme Court in the decision of **Ram Govind Upadhyay v. Sudarshan Singh**¹ has held as follows:—

“4. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture, though however, the same are only illustrative and not exhaustive, neither there can be any. The considerations being:

(a) While granting bail **the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.**

(b) **Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.**

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but **there ought always to be a prima facie satisfaction of the court in support of the charge.**

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in

¹ (2002) 3 SCC 598

the normal course of events, the accused is entitled to an order of bail.”

(Emphasis added)

15. Thus, if the above parameters are made applicable to the present case, then it is clear that no case is made out for grant of bail on merits. Even if the Applicant is behind bars for 3 years still the position on record showing that there are 19 antecedents including antecedents under Sections 302 and 307 of I.P.C. and that there is likelihood of tampering with the witnesses and threat to the victim, disentitles the Applicant for getting bail on that ground.

16. As far as contention that the Applicant has suffered paralytic stroke in jail, the position on record shows that the jail authorities have immediately admitted the Applicant in Sasoon General Hospital, Pune. He has been given immediate treatment. He was admitted in Sasoon General Hospital, Pune on 3rd August 2025 and discharged on 12th August 2025. Thereafter the Applicant was admitted in Prison Hospital, Ward No.1 from 12th August 2025 to 13th August 2025, after discharge from Sasoon Hospital, however the Applicant insisted on discharge against medical advice and he has given letter in writing that he is refusing to admit in jail

hospital. The said letter dated 19th August 2025 of the Applicant reads as under :

दि-19/08/2025

विनंती अर्ज

प्र ती, मा. अधीक्षक सो.
येरवडा मध्यवर्ती कारागृह
पुणे-06

अर्जदार- गणेश बजरंग रमेश वाघिरे यु.टी. 1792 सर्कल II/02

विषय - हॉस्पिटल मध्ये अॅडमिट न होणेबाबत

महोदय,

वरील विषय ास अनुसरून मि आपणास विनंती पुर्वक अर्ज सादर करतो की, मला डॉक्टरांनी अॅडमिट होण्यास सांगितले असुन मी त्यांना अॅडमिट होण्यास नकार देत आहे. तरी. मला बरे वाईट झाल्यास मी स्वतः जबाबदार राहील.

तरी मला डॉक्टरांनी सांगिल्यास मी तरीही अॅडमिट होण्यास नकार देत आहे. मला अॅडमिट करून न घ्यावे. हि नम्र विनंती.”

आपला कृपाभिलाषी
गणेश / बजरंग रमेश वाघिरे

(Emphasis added)

The English translation of the said letter is as under :

Date : 19/08/2025

Request Application

To,
The Superintendent,
Yerwada Central Prison,
Pune – 06.

Applicant :- Ganesh alias Bajrang Ramesh Waghire,
U. T.-1792, Circle II/02.

Subject :- Regarding not getting hospitalized.

Sir,

In connection with the above referred subject, I humbly submit application as under :-

The doctor has advised me to get hospitalized, however, I deny to get myself hospitalized and therefore, if something wrong happens to me, I myself will be responsible therefor.

Therefore, I deny to get myself hospitalized, even after, the doctor advised me to get hospitalized and hence, I humbly request that I may not be hospitalized.

Yours sincerely

Thumb Impression.
Ganesh @ Bajrang Ramesh Waghire.

The signature is affixed hereunder before me.
Circle Prison Officer,
Yerwada Central Prison, Pune.

The statement is given in writing before me.

(Signature Illegible)
19/08/2025
CHIEF MEDICAL OFFICER,
YERWADA CENTRAL PRISON
PUNE – 411006.

17. Thus, it is very clear that the Applicant who has about 19 antecedents including 2 antecedents under Section 302 of Indian Penal Code, one under Section 307 of Indian Penal Code and other very serious offences, to secure bail on the ground that he has suffered paralytic stroke in jail, has refused to get admitted in the

jail hospital of Yerawada Central Prison, Pune, after he was treated at Sasoon General Hospital, Pune.

18. In this case, the Chief Medical Officer, Dr. Indranil B. Patil has filed detailed Affidavit dated 3rd September 2025. The said Affidavit clearly discloses that as and when necessary, the Applicant has been taken to Sasoon General Hospital, Pune for follow-up and he has been given necessary treatment. Thus, as the offence against the Applicant is very serious and there are about 19 antecedents, no case is made out for grant of bail.

19. As far as the medical condition of the Applicant is concerned, he has been treated properly and therefore the said Affidavit also states that to help the Applicant, two helpers have been provided to him. The material on record shows that the Applicant requires help only for lifting water bucket and at the time of bathing and for that purpose, two helpers are provided.

20. Learned APP has shown to this Court Video showing that the Applicant can do all his other activities properly and there is no

effect on his walking. Accordingly, no case is made out even for grant of bail on medical grounds.

21. However, it is required to be noted that the Applicant has been arrested on 2nd July 2022 and till date, there is no progress in the trial. Learned APP states that as one of the Accused has filed discharge application, the Charge could not be framed. She states that now that application has been decided. She further states, on instructions, that immediate steps will be taken to conclude the trial. She submits that the steps will be taken for framing of the Charge and the learned Trial Court will be requested to frame the Charge within a period of one month from today and thereafter endeavour will be made to conclude the trial expeditiously.

22. In the facts and circumstances of this case, the learned Trial Court is requested to conclude the trial expeditiously within one year.

23. The Applicant is granted liberty to file fresh Bail Application after a period of one year, if there is no substantial progress in the trial.

24. Accordingly, the Bail Application is rejected.

25. This Court places on record appreciation of the assistance rendered by Ms. Samiksha Pawar, learned Advocate appointed to represent interest of the Respondent No.2. The High Court Legal Services Authority is requested to include name of Ms. Samiksha Pawar, learned Advocate on the panel of the Advocates, if she complies with all the requirements as per rules, and to pay remuneration to her as per rules.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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Date: 2025.09.12
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