

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 159 OF 2025**

Uday Raghunath Kshirsagar

Appellant

versus

State Of Maharashtra And Anr

Respondents

Mr. Satyavrat Joshi along with Mr.Yash Fadtare, Advocate for the Appellant.

Ms. Ranjana D. Humane, APP for Respondent No.1-State.

Mr. Nikhil Kulkarni, Advocate for Respondent No.2.

WAPI-Rutuja Jadhav, Khadak Police Station, Pune City.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JULY, 2025.

P.C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. By this appeal, the appellant is seeking regular bail in Crime No.221 of 2024 registered with Khadak Police Station, Pune City, for offences punishable under Sections 307, 323, 324, 143, 147, 148, 149 of the Indian Penal Code 1860, Sections 4, 25 of the Arms Act, Section 37(1) r/w 135 of the Maharashtra Police Act, Section 7 of the Criminal Law Amendment Act, Section 3(1)(r)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,

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Section 7 (1)(b)(d) of the Citizens Right of Protection Act and Section 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act.

3. It is prosecution's case that on 23rd June 2024 around 8.00 pm when the first informant, his brother and friends were standing on the side of the road, at that time, the co-accused came there and assaulted the first informant and his brother with sickle and other sharp weapons with the intention to kill them and abused them on caste. It is alleged that the appellant had provided sickle used in the crime to the co-accused.

4. It is contention of learned counsel for the appellant that at the time of the accident, the appellant was not present. The main allegations are against the co-accused. The allegations against the appellant are that he provided sickle to the co-accused. Evidence is required to prove the said fact. The appellant is behind bar for more than one year, investigation is completed and charge-sheet has been filed. Learned counsel further submitted that the appellant has no antecedents. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant was member of the gang, which assaulted the first informant and his brother with the intention to kill them. The provisions of MCOCA are applied against the appellant. The weapon

used in the offence was provided by the appellant. If the appellant is released on bail, he may threaten the first informant and prosecution witnesses, hence, requested to dismiss the appeal.

6. I have heard all learned counsel, perused the charge-sheet.

7. Admittedly, at the time of the incident, the appellant was not present at the incident spot. The allegations against the appellant are that he provided sickle used in the crime to the co-accused. To prove it, evidence is required. The appellant is behind bar for more than one year. He has no antecedents. Though provisions of MCOCA are applied against him, two chargesheets have not been filed against him. Considering these facts, his custodial interrogation is not required and I pass following order:

ORDER

- (i) The appellant be enlarged on bail in Crime No.221 of 2024 registered with Khadak Police Station, Pune City, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall attend the concerned police station as and when required.

The appeal is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)