

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

Bail Application No.27 of 2025

Narendra @ Chotya Mahadev Balkawade

Age 32 years, Occ. Nil,

R/at.: Ganesh Nagar, 220/5,

Chawl No.07, Opp. Mehendale

Garage, Kothrud, Pune.

(At present languishing in the custody
of Yerwada Central Prison, Pune).

...Applicant

versus

The State of Maharashtra

(P. I. Alankar Police Station, Pune City,

Dist. Pune.)

...Respondent

Ms Pooja Agarwal, for the applicant (through VC).

Mr MG Patil, APP, for respondent / State.

PSI AH Kale, Alankar Police Station, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 9 October 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.152 of 2023, registered at Alankar Police Station, Pune, for offences punishable under Sections 307, 323, and 506(2) of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959, Sections 37(1) read with 135 of the Maharashtra

Police Act, 1951, and Section 7 of the Criminal Law Amendment Act, 2013.

2. It is the case of the prosecution that on 29 September 2023, at about 8:00 p.m., while the informant was seated at a Ganesh pandal, the applicant assaulted him by dragging him down and attempting to strike his head with a sickle (*koyta*). The informant evaded the blow and pushed the applicant away. As panic spread, locals fled and secured their homes. The applicant then took out a razor from his pocket and tried to attack the informant's neck. In an attempt to ward off the blow, he sustained injury to his right hand. The informant then fled from the scene and was taken to a private hospital and later to Sassoon General Hospital, Pune.

3. Ms Pooja Agarwal, the learned Counsel appearing on behalf of the applicant, has vehemently contended that the applicant has been falsely implicated in the present crime. According to the learned Counsel, there exists no material on record to substantiate or even suggest the presence of the applicant at the scene of the occurrence at the time of the alleged incident. It is further submitted that the alleged incident is stated to have taken place on 29 September 2024 at around 8:00 p.m., whereas the First Information Report (FIR) came to

be lodged only on 30 September 2024 at 3:56 p.m. There is therefore, an unexplained delay of one day in lodging the FIR, which casts a serious doubt on the veracity of the prosecution's case. The learned Counsel further submits that the informant is alleged to have sustained only a simple injury to his hand, for which he was treated as an outpatient and did not require hospitalisation. Thus, it is contended that the element of intention to cause death cannot be attributed to the applicant.

4. Furthermore, the learned Counsel has also questioned the alleged recovery of the sickle, razor, and clothes purportedly used in the crime. She submits that the said recovery was effected five days after the incident and from an open, public place, which raises suspicion regarding the genuineness and evidentiary value of such recovery. She further contends that the applicant has been languishing in jail since 30 September 2023. The investigation is complete, the alleged weapons have already been recovered, and the charge sheet has been filed. Therefore, further incarceration of the applicant is unwarranted and no purpose would be served by continued custody.

5. The learned Counsel also points out that the charges are yet to be framed and that the prosecution proposes to examine eleven witnesses. In such circumstances, the trial is likely to

take considerable time to conclude. The applicant is willing to abide by all conditions that this court imposes, including not entering the jurisdiction of Alankar Police Station, Pune.

6. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, has strenuously opposed the applicant's request for bail. He submits that the offence is of a grave and serious nature, involving direct acts of violence, and that the applicant is a habitual offender with five prior criminal antecedents. It is further contended that there exist independent eyewitnesses to the incident. The learned APP expresses concern about granting bail to the applicant as he may tamper with the evidence or influence witnesses.

7. This Court has given anxious consideration to the submissions advanced across the Bar. A perusal of the records indicates that though the alleged incident occurred on 29 September 2023 at around 8:00 p.m., the FIR came to be lodged only on 30 September 2023 at 3:56 p.m. There appears to be an unexplained delay in lodging the FIR. The injury sustained by the informant was simple in nature, for which he was treated as an outpatient. There is no material on record to suggest that the injury sustained by the applicant endangered life. At this stage, the element of intention to cause death,

which is an essential ingredient for the graver charges, is debatable. The prosecution relies upon the recovery of the sickle and the razor allegedly used in the crime. However, as pointed out by the learned Counsel for the applicant, the said recovery was effected five days after the incident and from an open, public place. The evidentiary value of such a recovery is a matter to be tested during trial, and at this stage, it cannot be considered conclusive against the applicant.

8. The applicant has been languishing in jail since 30 September 2023. The investigation has been concluded, the alleged weapons have been recovered, and the charge sheet has been filed. In these circumstances, the applicant's continued detention is unwarranted. Furthermore, the charges are yet to be framed and the prosecution proposes to examine as many as eleven witnesses. The trial will take its own time. The applicant expresses willingness to abide by conditions imposed by this Court, including undertaking not to enter the jurisdiction of the Alankar Police Station, Pune.

9. Having regard to the facts of the case, the nature of the alleged injury, the delay in lodging the FIR, the completion of the investigation, and the stage of the trial, this Court is of the view that further incarceration of the applicant is not necessary.

Appropriate conditions can be imposed to ensure that the applicant does not misuse the liberty. Accordingly, the application is allowed in the following terms:

- (i) The applicant shall be released on bail in CR No.152 of 2023, registered at Alankar Police Station, Pune, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall not enter the jurisdiction of the Alankar Police Station, Pune, until the conclusion of the trial, save and except to attend the trial proceedings.
- (iii) The applicant, either himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

[R.N. Laddha, J.]