

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

Criminal Bail Application No. 172 of 2025

Kundan Arvind Ghade
Age 45 years, Occ. Business,
R/at.: Flat No.301, Mahadev
Park Society, Tagore Nagar,
Behind Inox Theatre, Ravi
Shankar Marg, Nashik-422 003.
At present in Central Jail Nashik.

... Applicant

Versus

The State of Maharashtra
To be served upon Public Prosecutor
Through Upnagar Police Station,
Dist.- Nashik.

...Respondent

Mr Amey Deshpande a/w Ms Vandana Bait, Ms Niyati
Sontakke, for the Applicant.
Mr S V Walve, APP, for Respondent / State.

**Coram: R.N. Laddha, J.
Date: 4 December 2025**

P.C.:

By this application, the applicant seeks bail in connection
with CR No.90 of 2024, registered at Upnagar Police Station,
Nashik, for offences punishable under Sections 302 and 109
read with 34 of the Indian Penal Code.

2. The present FIR has been registered at the instance of the

informant, Sandeep, who is the brother-in-law of the deceased, Amol. As per the case of the prosecution, the incident in question occurred on 10 March 2024, when the deceased allegedly approached the applicant/accused No.2 with the intent to confront him regarding an alleged extramarital relationship between the applicant and the deceased's wife, Kaveri.

3. It is alleged that during the course of this confrontation, a physical altercation ensued between the deceased and the applicant. In the course of the said altercation, the applicant, in connivance with the co-accused, is stated to have physically assaulted the deceased. The prosecution contends that the applicant and the co-accused inflicted grievous and bleeding injuries upon the person of the deceased, which ultimately proved fatal, resulting in his death on the spot.

4. The prosecution attributes a common intention to both the applicant and the co-accused in the commission of the alleged offence, asserting that the assault was not spontaneous but a consequence of a premeditated motive arising out of the alleged illicit relationship. Accordingly, the applicant has been arraigned under Sections 302 and 109 read with 34 of the Indian Penal Code, 1860.

5. Mr Amey Deshpande, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant had a love affair with the deceased's wife, and when the deceased found out, he was enraged and attempted to take the applicant's life by firing two shots at him with his duty pistol and stabbing knife. The applicant dodged the bullets, but in self-defence, the deceased was injured. The applicant also sustained grievous injuries from the stabbing by the deceased, for which a counter-FIR has been lodged. The learned Counsel points out that the witness statements do not implicate the applicant and were recorded a month after the incident. The present FIR is nothing but a retaliatory tactic to falsely implicate the applicant. It is further submitted that the applicant has been languishing in jail since 18 March 2024, and the co-accused have been granted bail. The applicant is ready to abide by any conditions this Court deems fit to impose.

6. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail, citing the seriousness and gravity of the offence. He submits that the applicant harboured resentment towards the deceased and had a motive to commit the offence. The learned APP raises apprehensions about granting bail as the applicant may tamper with the evidence or influence witnesses.

7. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the record. It appears from the record that the co-accused Chetan Ghade having a similar role has been granted bail by the Coordinate Bench of this Court vide order dated 13 December 2024 wherein it has been observed that even accepting the prosecution's version, the incident arose from an act of self-defence. The deceased had fired two rounds at the applicant, leading to a scuffle during which both sustained injuries. The co-accused Chetan, in an attempt to protect the present applicant intervened. The deceased later succumbed to injuries sustained in the scuffle. There is no indication of any intent on the applicant's part to kill; rather, it was the deceased who acted with lethal intent. Thus, the applicant is entitled to bail on the ground of parity, as the co-accused, who was assigned an identical role in the alleged offence, has already been granted bail. There is no distinguishing circumstance that would justify differential treatment between the applicant and the released co-accused.

8. In light of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

Order

- (i) The applicant shall be released on

bail in CR No.90 of 2024, registered at Upnagar Police Station, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned police station on the second day of every month between 8:00 am to 9:00 am, till the conclusion of the trial.

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

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]