

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

Criminal Bail Application No.724 of 2025

Anil Laxman Chorghe
Age 30 years, Occ. Business,
Flat No.14, Siddhi Sagar
Apartment, Trimurti Chowk,
Dist. Pune, Maharashtra.
(Presently lodged at Kolhapur
Central Prison)

... Applicant

Versus

The State of Maharashtra
(Through Wakad Police Station
Pune, Vide C.R.No.554/2024)

...Respondent

Mr Priyal Sarda, Advocate a/w Ms Seema Dighe, Mr Abhishek
Jare i/b Rajesh Ranglani, for the applicant.

Mr S V Walve, APP, for the respondent / State.

ACP Sunik Kurade, the Investigating Officer a/w API PG
Gajjewar, Wakad Police Station, Pune.

Coram: R.N. Laddha, J.

Date: 2 December 2025

P.C.:

By this application, the applicant seeks bail in connection
with CR No.554 of 2024, registered at Wakad Police Station,
Pune, for the offences punishable under Sections 302, 341,
143, 145, 147,148, 149 and 120-B of the Indian Penal Code;
Sections 4, 25 and 27 of the Arms Act, 1959 and Sections

37(1), 37(3), 135 of the Maharashtra Police Act, 1951, as well as Sections 3 and 7 of the Criminal Law Amendment Act.

2. It is the case of the prosecution that on 1 May 2024 at around 18:30 hrs, the informant Tejas Hanskar, accompanied by Rehan Shaikh and Harshad Kate, was intercepted on the Aundh-Ravet road near Park Street Society by Hritik Chavan, Prem More, Deepak Kokate, and four others. Acting in concert, the accused unlawfully restrained the trio and forcibly stopped their motorcycle. Hritik Chavan then stabbed Rehan Shaikh in the neck, while Deepak Kokate struck him with a sickle, causing fatal injuries. Investigation later revealed that the applicant had financially assisted and harboured absconding accused Abhijeet Dhamale @ Abhi Dhamale despite knowing his involvement in the offence.

3. The learned Counsel appearing for the applicant has strenuously contended that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant is not named in the First Information Report (FIR) and there is no allegation of his presence at the scene of the incident at the relevant time. It is further submitted that no specific role has been attributed to the applicant in the commission of the alleged offence. There is no material on record to suggest that the applicant harboured any motive to

commit the alleged act. It is an admitted position that the applicant is not the principal assailant, nor has there been any recovery of any weapon of offence from his possession or at his instance. Moreover, there are no allegations or evidence indicating that any blood-stained clothes were recovered from the applicant or pursuant to any disclosure made by him. The prosecution has not brought on record any material to establish that the applicant is a member of any unlawful assembly or criminal gang, nor is there any antecedent criminal record linking him to the so-called gang leader or any prior offence.

4. The learned Counsel further submits that even as per the prosecution's own case, the applicant is neither a conspirator nor is he alleged to have participated in any organized criminal activity. There is a complete absence of any material to suggest the existence of *mens rea* on the part of the applicant. The only allegation levelled against the applicant pertains to a post-incident act, wherein it is alleged that he handed over a sum of Rs.1000/- to co-accused No.7 and, upon the request of co-accused Abhi Dhamale, provided the latter with his brother's mobile phone. It is emphasised that co-accused Abhi Dhamale is not alleged to be the assailant, and further, no recovery of the said mobile phone has been effected from him. It is submitted that the applicant's implication is based on conjectures and

surmises, without any cogent or credible material linking him to the commission of the alleged offence.

5. On the other hand, the learned Additional Public Prosecutor, representing the respondent/State, has opposed the present application for bail. It is submitted that the applicant is an active member of a criminal syndicate allegedly led by accused No.7. The prosecution contends that the applicant, in his confessional statement recorded during the course of investigation, has admitted to his involvement in the commission of the offence. It is further alleged that the applicant knowingly extended financial assistance to a co-accused, despite being fully aware of the latter's complicity in the present crime. Additionally, it is asserted that the applicant facilitated the commission of the offence by providing the mobile handset belonging to his brother to the accused No.7, thereby aiding in the execution of the criminal conspiracy.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record. The prosecution's case, in brief, is that on 1 May 2024, the deceased Rehan Shaikh was assaulted with sharp weapons by co-accused Hritik Chavan and Deepak Kokate. It is not the prosecution's case that the applicant was present at the scene of the offence or that he participated in the actual assault.

The only allegation pressed against the applicant relates to the post-offence period, i.e. he provided a small amount of money and allowed the use of a mobile handset by co-accused Abhi Dhamale. Even assuming these allegations to be true at this stage, such acts, on their face, are too remote and insufficient to infer participation in the commission of the offence, or the existence of a criminal conspiracy under Section 120-B of the IPC. Pertinently, the mobile handset was not recovered from co-accused Abhi Dhamale. There is no material to show that the applicant had prior knowledge of the plan to commit the offence or that he shared any meeting of minds with the principal offender. The prosecution has not pointed to any resultant recovery or discovery pursuant to the alleged confessional statement. At this stage, therefore, the alleged confession cannot be treated as substantive material against the applicant.

7. Furthermore, the allegation that the applicant is a member of a criminal syndicate is unsupported by any independent documentary or substantive material. The applicant has no prior criminal antecedents. The charge sheet does not disclose any prior association of the applicant with the alleged gang leader or any involvement in organised criminal activity. There is likewise no material suggesting prior enmity, motive, or

premeditation on the part of the applicant. There is nothing on record to demonstrate that the applicant was part of the alleged unlawful assembly, much less that he shared the common object contemplated under Section 149 of the IPC. In the absence of such material, the general assertion of “gang affiliation” remains unsubstantiated and insufficient. Moreover, the investigation has been concluded and the charge sheet has been filed. The applicant has been languishing in jail since 11 July 2024 and to date, charges have not been framed.

8. In light of the above circumstances, the absence of any direct or proximate material connecting the applicant with the homicidal act, the lack of criminal antecedents and the settled principles governing the grant of bail, this Court is of the opinion that a case for granting bail is made out. Hence, the following order.

Order

- (i) The applicant shall be released on bail in connection with CR No.554 of 2024, registered at Wakad 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, himself or through any

other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

9. The application stands disposed of accordingly.

10. It is clarified that these *prima facie* observations are confined to determining the entitlement to bail.

[R.N. Laddha, J.]