

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

Bail Application No.1089 of 2025

Jeson John Dicona
Age 27 years, Occ. Business,
Permanent R/at.- Ravivar Peth,
Near Pailwan Galli Masjid, Pune.
Presently R/at- Plot No.214,
B.No. 22, Sangmitra Housing
Society, Ota Scheme, Nigadi, Pune.
(Presently in Yerwada Central
Prison, Pune, Dist.-Pune)

... Applicant

versus

The State of Maharashtra
(At the instance of Dehuroad
Police Station, Dist.- Pune)

...Respondent

Mr Kuldeep Patil i/b Ramji Kotali, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

PSI Akshay Jadhav, Dehuroad Police Station, Pimpri
Chinchwad, Pune, is present.

Coram: R.N. Laddha, J.

Date: 4 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.302 of 2024, registered at Dehuroad Police Station, Pune, for offences punishable under Sections 302, 120B, 143, 147, 148, and 149 of the Indian Penal Code; Section 4(25) of the Arms Act, 1959; Sections 37(1) read with

135 of the Maharashtra Police Act, 1951; and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ('MCOCA').

2. It is the case of the prosecution that on 10 June 2024, a group of unidentified assailants allegedly formed an unlawful assembly with a common object to commit an assault upon the informant and his brother-in-law, Mukund (since deceased). It is further alleged that the said assailants, acting in connivance, launched a violent attack on Mukund by means of deadly weapons, including a sickle, a knife, and cement blocks, thereby inflicting grievous and bleeding injuries which resulted in his homicidal death. The prosecution attributes to the present applicant a role in the criminal conspiracy purportedly hatched to eliminate the deceased.

3. Mr Kuldeep Patil, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant bore no prior enmity or hostility towards the deceased or any of his associates. The applicant was neither involved in the alleged incident nor present at the scene of the occurrence. Significantly, his name does not find mention either in the FIR or in the statements recorded during the course of the investigation.

4. The learned Counsel further submits that the applicant

was employed at the establishment of one Rafik, and that certain work-related communications from the relevant period have been misconstrued by the prosecution to suggest a conspiratorial role. It is contended that the prosecution has not alleged that the weapons purportedly used in the commission of the offence were wielded by the applicant. On the contrary, the said weapons were recovered solely at the instance of a co-accused and not from, or at the behest of, the applicant. It is therefore urged that the applicant has no nexus or association, direct or indirect, with any member or the alleged leader of the concerned gang. Although three prior criminal cases are registered against the applicant, none pertain to offences involving any gang members or activities attributable to an organised crime syndicate. The allegations now levelled against the applicant are stated to be an afterthought, engineered with the intention of falsely implicating him as a conspirator. Mr Patil further points out that the applicant was not identified in the Test Identification Parade and submits that this fact further weakens the prosecution's case against him.

5. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for bail. He submits that the memorandum panchanama of the co-accused, Anurag, revealed the spot

where the conspiracy was hatched, and that the applicant was present at the relevant time. The Call Details Records (CDRs) of the applicant demonstrate that the applicant was in constant contact with the co-accused and co-conspirator, Rafik Salim Khan. Even though the applicant's name was not mentioned in the FIR, he was actively involved in the planning of the crime. It is further contended that the incident resulted from animosity between rival gangs, i.e., Korbu and Dadya Gawali, and the applicant is an active member of the Dadya Gawali gang. The learned APP raises apprehension that if released on bail, the applicant may tamper with the evidence or influence witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

7. Upon a perusal of the records, it *prima facie* emerges that the applicant is alleged to have played the role of a conspirator in the commission of the offence in question. The incident is stated to have occurred on 10 June 2024, and the FIR came to be registered on 11 June 2024. It is an admitted position that the applicant was neither named in the FIR nor attributed any overt act by the informant or any other witness at the initial stage of investigation. The applicant's alleged involvement surfaced only at a belated stage, pursuant to a supplementary

statement of the informant recorded on 9 November 2024, nearly five months after the registration of the FIR. Such delayed implication, without any contemporaneous corroboration, raises doubts regarding its veracity and spontaneity.

8. The prosecution seeks to rely upon CDRs to suggest telephonic communication between the applicant and a purported co-conspirator. However, the said CDRs pertain to the period between 1 January 2024 and 20 February 2024, which is significantly prior to the date of the alleged incident. Thus, the evidentiary value of such material, in establishing a nexus with the incident dated 10 June 2024, is tenuous at best.

9. It is further pertinent to note that the applicant was not identified in the TI Parade. Except for the memorandum panchanama attributed to co-accused Anurag, there exists no substantive material on record to establish that the applicant was either a participant in the alleged criminal conspiracy or a member of the purported gang. Furthermore, no CCTV footage has been brought on record to substantiate the prosecution's allegations. The weapons allegedly used in the commission of the offence were recovered from the possession of the co-accused, and no incriminating article or material has been recovered from the applicant. In view of the foregoing, the

invocation of penal provisions under the IPC, the Arms Act, the Maharashtra Police Act, and the MCOCA, against the applicant appears, at this stage, to be *prima facie* debatable.

10. The applicant has been languishing in since 13 June 2024. Despite the passage of considerable time, the charge has not yet been framed, and the trial is not likely to attain finality in the near future. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence or influencing witnesses can be addressed by imposing certain conditions.

11. Considering the totality of the circumstances, 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.302 of 2024, registered at Dehuroad 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 and cooperate with the trial Court for the expeditious disposal of the case.

(iv) The applicant shall refrain from entering the jurisdiction of the Dehuroad Police Station, Pune, until the conclusion of the trial, save and except to attend trial proceedings before the jurisdictional Court.

(v) The applicant shall inform the Inspector of the concerned Police Station about his residential and contact details and update him forthwith of any subsequent changes.

12. The application stands disposed of accordingly.

(R.N. Laddha, J.)