

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1116 OF 2025

Ganesh Rupesh Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul S. Kate, learned Advocate for the Applicant.

Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th AUGUST 2025.

P.C. :

1. Heard Mr. Rahul Kate, learned Advocate for the Applicant and Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 213 of 2024 dated 9th September 2024 registered with Malegaon Police Station, District-Pune for the offences punishable under Sections 109, 140(1), 118(2), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short) and Section 135 of the Maharashtra Police Act, 1951.

3. Mr. Rahul Kate, learned Advocate for the Applicant submits that Crime No. 213 of 2024 is registered as Sessions Case No. 121

of 2025 and is pending on the file of Additional Sessions Judge, Baramati, District-Pune.

4. There are 7 accused persons in the present crime. Applicant is Accused No. 5.

5. First Information Report was registered at the instance of Balasaheb Laxman Jadhav (father of the injured), who alleged that his son Akshay Balasaheb Jadhav was brutally assaulted by the accused persons, leading to various injuries.

6. Applicant was arrested on 16th September 2024, since then he is in jail. Criminal Bail Application No. 86 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge, Baramati, by order dated 25th February 2025.

7. Mr. Rahul Kate, learned Advocate for the Applicant submits that the Applicant is not named in the FIR. He submits that there is nothing in the charge-sheet to indicate the Applicant having committed the crime. He submits that the Applicant has been implicated as an accused in the present crime merely on the basis of statement made by the co-accused in the said crime. He submits that the involvement of Applicant is similar to the involvement of co-accused Hemant Vyankat Kamble (Accused No. 6) in the present crime. He submits that the said co-accused has been released on anticipatory bail by this Court by order dated 11th November 2024 in Anticipatory Bail Application No. 233 of 2024. He tenders a copy of said order dated 11th November 2024, which is taken on record and marked as "X" for identification. He submits that the co-accused no. 2 has been released on bail by this Court vide order

dated 15th July 2025 passed in Criminal Bail Application No. 746 of 2025. He tenders a copy of the said order dated 15th July 2025, which is taken on record and marked as “Y” for identification. He submits that the Applicant seeks bail on merits and on the ground of parity .

8. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that the offence in the present crime is serious in nature, which is evident from the injuries on victim. She further submits that there is material on record to indicate that the Applicant had made preparations for assault. She however does not dispute that the involvement of Applicant in the present crime is similar to the involvement of Hemant Vyankat Kamble (Accused No. 6).

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Injured/victim, does not name the Applicant as an assailant or the Applicant to be present at the time of assault. Material alleged to be against the Applicant is a statement made by the co-accused.

11. Perusal of the charge-sheet indicates that the involvement of Applicant is similar to the involvement of Accused No. 6, as submitted by Ms. Madhavi Mhatre, learned A.P.P. and Mr. Rahul Kate. Considering the material on record, complicity of the Applicant in the crime, *prima facie* is not established. Applicant is therefore entitled to bail.

12. In view of the above, the present Bail Application is allowed

on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 213 of 2024 dated 9th September 2024 registered with Malegaon Police Station, District-Pune for the offences punishable under Sections 109, 140(1), 118(2), 189(2), 189(4), 190, 191(2) and 191(3) of the BNS and Section 135 of the Maharashtra Police Act, 1951 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Baramati.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner. He shall not influence the Informant, witnesses or any other person concerned with the case.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Malegaon Police Station, District-Pune and shall keep the same updated, in case of any change thereto.

- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 121 of 2025 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Baramati, District-Pune on each and every date, unless exempted from appearance.
 - f. Applicant shall report/attend before the Investigating Officer, Malegaon Police Station, District-Pune on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge in Sessions Case No. 121 of 2025.
13. Criminal Bail Application No. 1116 of 2025 stands disposed of in the abovesaid terms..

[ASHWIN D. BHOBE, J.]

GITALAXMI
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by GITALAXMI
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Date:
2025.08.18
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