

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

CRIMINAL BAIL APPLICATION NO. 1124 OF 2025

Sagar Bhanudas Rawade	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ganesh Gole i/by Mr. Ateet Shirodkar, Advocate for the Applicant.

Mr. Satyam Harshad Nimbalkar a/w Mr. Harshwardhan Milind Pawar, i/by Mr. Abhishek U. Arote and Mr. Padmasinh P. Patil for the Intervenor.

Ms. P. S. Rane, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	7th MAY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 674 of 2023 registered at Saswad Police Station, District : Pune for the offences punishable under Sections 302, 307, 324, 326, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 read with 25 of the Arms Act, Section 7 of the Criminal Law Amendment Act and Section 135 of the Maharashtra Police Act.

3. The applicant is accused No.1 in the present crime. There was a dispute between the complainant on one side and the applicant and other co-accused on the other side. According to the prosecution on the date of incident, which took place on 29.09.2023, the dead body of the relative was being brought to Rawade Wadi from Pune for performing last rites. The complainant and other villagers were thus gathered at the place of incident. It is alleged that at that time the applicant and other co-accused came there and began abusing the complainant. It is alleged that quarrel ensued amongst them and thus the deceased intervened to help the complainant. It is alleged that at that time the applicant and other co-accused assaulted the deceased by sharp weapon and committed his murder.

4. I have heard the learned counsel for the applicant and learned A.P.P. for the Respondent-State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the order passed by this Court dated 04.10.2024 in Criminal Bail Application No.3049 of 2024. By

the said order this Court has released the co-accused Amir Sakharam Rawade, Umesh Dnyanoba Rawade, Dnyaneshwar Waman Rawade on bail. The learned counsel for the applicant submits that similar overt act is attributed to the said co-accused and the applicant. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the overt act attributed to the present applicant and the co-accused to whom this Court has granted bail is not similar. In support of the said submission, the learned A.P.P. has drawn my attention to the statement of Navnath Rawade dated 02.10.2023. According to the said witness the applicant had caught hold the hands of the deceased while he was being assaulted by co-accused by knife.

7. I have perused the statements of witnesses. This Court by order dated 04.10.2024 in Criminal Bail Application No.3049 of 2024 and the Sessions Court by order dated 02.12.2024 below Exhibit-83 in Sessions Case No.31 of 2024 have released the co-accused, who according to the eye witnesses have assaulted the deceased and injured by knife

and iron rod. There is cross case in relation to the alleged incident. Considering the said facts, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 674 of 2023 registered at Saswad Police Station, District : Pune for the offences punishable under Sections 302, 307, 324, 326, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 read with 25 of the Arms Act, Section 7 of the Criminal Law Amendment Act and Section 135 of the Maharashtra Police Act, on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Taluka Purandar till conclusion of trial;
- (iv) The applicant shall not tamper with the prosecution evidence;
- (v) It would be open to the prosecution-state to file an application for cancellation of bail, if the applicant commits breach of any of the condition;
- (vi) Application is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)