

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

Bail Application No.1262 of 2025

Yogesh @ Sonya Parshuram Jadhav
Age- 21 Years, Occ- Student,
R/o- Opp. to Sahajeevan Company,
Ramnagar, Chinchwad, Dist.- Pune
[Presently lodged at Yerwada Central Prison] ... Applicant
Versus

The State of Maharashtra
[Through MIDC Bhosari Police Station,
Pune, Vide CR No.629/2022] ... Respondent

Mr Priyal G Sarda, a/w Ms Seema Dighe and Mr Shubham
Sudam Sane, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PSI NV Talekar, MIDC Bhosari Police Station, Pimpri
Chinchwad.

**Coram: R.N. Laddha, J.
Date: 18 December 2025.**

P.C.:

By this application, the applicant seeks bail in connection with CR No.629 of 2022, registered at Bhosari MIDC Police Station, Pimpri-Chinchwad, for offences punishable under Sections 302, 324, 323, 504, 143, 144, 147, 148, 149 read with Section 34, 120 (B), 201 of the Indian Penal Code, (IPC), Sections 4(25), 27 of the Arms Act, 1959, Sections 37(1), 37(3) and 135 of Maharashtra Police Act, 1951 and under Sections 3

and 7 of Criminal Procedure (Amendment) Act, 2013.

2. It is the case of the prosecution that the incident arose out of prior disputes between the deceased, Pavan, and the co-accused. On 25 October 2022, the deceased allegedly received a threatening phone call from co-accused Akshay. Later that night, at about 11:30 p.m., the deceased went near a CNG pump in the locality to confront the co-accused, where the applicant and other co-accused had assembled and formed an unlawful assembly. The applicant is alleged to have assaulted the deceased with fist blows and, upon intervention by bystanders, assaulted one Suraj Mohite with a sword, while the other co-accused assaulted the deceased with sharp-edged weapons and wooden sticks, resulting in his death.

3. Mr Priyal Sarda, the learned Counsel for the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. It is contended that a careful reading of the statements of the alleged eyewitnesses would clearly reveal that none of them has attributed any act to the applicant involving the use of a sword to assault the deceased, Pawan. On the contrary, the said statements merely allege that the applicant had used a sword to cause injury to one Suraj Mohite.

4. It is further submitted that even this allegation does not find corroboration from the medical evidence. The injury certificate pertaining to Suraj Mohite is wholly inconsistent with and does not substantiate the serious allegations levelled against the applicant. Significantly, though the alleged incident is stated to have occurred on 25 October 2022, the injured Suraj Mohite was medically examined only on 29 October 2022, and the injury certificate was ultimately issued much later, on 21 November 2022, thereby casting serious doubt on the veracity and reliability of the prosecution's case. Pertinently, the injury certificate records only a simple abrasion, which is manifestly incompatible with an assault by a sword as alleged.

5. The learned Counsel further submits that the allegations made in the FIR, insofar as they concern the present applicant, are not in consonance with the statements of the alleged eyewitnesses, thereby giving rise to material contradictions that go to the root of the prosecution case. It is also highlighted that the applicant was merely 19 years of age at the time of the alleged incident and has no criminal antecedents whatsoever.

6. It is further urged that the applicant has been languishing in jail since 26 October 2022, however, the charges have not yet been framed. Moreover, the co-accused persons have

already been enlarged on bail, and the applicant stands on an identical footing. In these circumstances, it is submitted that the continued incarceration of the applicant would be unjustified and punitive in nature. The learned Counsel lastly submits that the applicant is ready and willing to abide by any terms and conditions that this Court may deem fit to impose while granting bail.

7. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, vehemently opposes the applicant's request for bail. It is submitted that the alleged offence is of a grave and serious nature. According to the prosecution, the applicant, acting in connivance with the other co-accused, formed an unlawful assembly and launched a premeditated and coordinated attack upon the deceased using sharp-edged weapons, which resulted in the death of the victim. It is further alleged that, in the course of the same incident, the first informant and another eyewitness sustained injuries while attempting to intervene and rescue the deceased.

8. The learned APP submits that the assault was carefully planned and executed wherein the applicant played a major role. In support of this contention, reliance is placed on the

statement of an eyewitness, who has specifically attributed to the applicant the act of assaulting the witness with a sword, causing injury to his hand. It is further submitted that the post-mortem examination of the deceased clearly records the cause of death as a head injury, thereby corroborating the prosecution's version regarding the brutal nature of the attack.

9. Additionally, the learned APP points out that a blood-stained sword, alleged to have been used in the commission of the offence, was recovered at the instance of the applicant. In view of the seriousness of the allegations, the nature of the evidence on record, and the active involvement attributed to the applicant, the learned APP apprehends that, if the applicant is enlarged on bail at this stage, there is possibility of his tampering with the prosecution's evidence and exerting undue influence upon the material witnesses.

10. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The prosecution alleges that the applicant, along with others, formed an unlawful assembly and participated in the assault that led to the death of the deceased. Upon perusal of the injury certificate of Suraj Mohite, it appears that the said certificate records only a simple abrasion. The nature of the injury, as medically recorded, is *prima facie* inconsistent with the

allegation of a sword assault. Furthermore, the delay in medical examination, conducted four days after the incident, and the issuance of the certificate nearly a month later, *prima facie* casts a shadow of doubt on the evidentiary value of the said document. It further appears that there are material inconsistencies between the allegations made in the FIR and the statements of the eyewitnesses particularly with respect to the role attributed to the applicant.

11. Moreover, the applicant was 19 years of age at the time of the alleged incident and has no criminal antecedents. He has been languishing in jail since 26 October 2022, and charges are yet to be framed. It is also not in dispute that the co-accused, who are alleged to have played a similar role, have already been enlarged on bail. The apprehensions expressed by the prosecution regarding the possibility of the applicant tampering with evidence or influencing witnesses can be taken care of by imposing appropriate conditions.

12. In view of the totality of circumstances, the applicant has made out a case for the grant of bail. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail
in connection with CR No.629 of 2022,

registered at Bhosari MIDC Police Station, Pimpri-Chinchwad, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant, upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the Inspector of the concerned Police Station of any change therein.

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

13. The application stands disposed of accordingly.

(R.N. Laddha, J.)