

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

Criminal Bail Application No.1688 of 2025

Sagar Ashok Pandit.

Age: 26 yrs, Occ: Service

R/at Sector No.10,

Near Buddh Vihar, Khande Wasti,

Bhosari, Dist.Pune

At present Yerwada Central Prison,
Pune)

... Applicant.

Vs.

The State of Maharashtra

(At the instance of PI Bhosari, MIDC

Police Station, Pune)

... Respondent.

Mr Aniket Nikam i/by Sumit Patil for the applicant.

Mr MG Patil, APP for the respondent / State.

PSI Mansur Maner, MIDC Bhosari Police Station.

Coram : R.N.Laddha, J.

Date : 13 October 2025.

P.C. :

By this application, the applicant seeks bail in connection with CR No.342 of 2024, registered at Bhosari MIDC Police Station, Pune, for offences punishable under Sections 311, 312, 333, 351(2), 115(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(1)

(ii), 3(4) of the Maharashtra Control of Organised Crimes Act (MCOC).

2. It is the case of the prosecution that the informant, a scrap dealer by occupation, is a resident of Sector 10, Khandewasti, Bhosari, Pune. On 3 July 2024, at about 2:30 hrs., while the informant was asleep within the premises of his scrap shop, three unidentified persons unlawfully trespassed into the establishment by forcefully gaining entry. Upon intrusion, the said persons engaged in a physical altercation with the informant and subjected him to assault. In an attempt to escape the attack, the informant fled from the shop premises; however, the assailants pursued him, apprehended him outside, and resumed their assault. During the course of the second attempt, the accused persons demanded money from the informant. One of the assailants, struck the informant on the head with a stone. Another assailant, forcefully extracted a sum of Rs.22000/- from the informant's pocket. Subsequent to the commission of the said acts, the three accused persons absconded from the scene on a motorcycle. One of them, operated the motorcycle and, in the process of fleeing, deliberately ran over the informant. Furthermore, it is alleged that the

fourth individual was present at the scene and instigated the assailant to commit the aforementioned acts of violence. All four accused persons are also alleged to have abused and intimidated the informant.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant has not participated in the alleged acts of assault or robbery. The only imputed role is that the applicant purportedly provided vehicular assistance to co-accused Rohit Dhanve by giving him a lift, without any knowledge of the alleged criminal intent or subsequent incident.

4. It is further submitted that no incriminating material has been recovered from the applicant during the course of the investigation. The motorcycle allegedly used in the commission of the offence was voluntarily produced by the applicant's brother, and not seized from the applicant himself. The applicant is not implicated in any other offence in association with the alleged gang leader or any member of the purported syndicate. The prosecution has attributed to the applicant a limited and peripheral role, namely that of alleged instigation. However, the factual matrix indicates

that the applicant merely acceded to a request made by the co-accused to drop him off at a particular location, without any prior knowledge of the alleged criminal act. There is no material on record to suggest that the applicant was privy to the planning or execution of the offence.

5. The learned Counsel submits that the CCTV footage relied upon by the prosecution has not been transcribed or authenticated. The case record merely reflects the seizure of a pen drive, without any accompanying transcript or forensic analysis establishing the applicant's presence at the scene of the offence. The Test Identification Parade (TIP) was conducted approximately three months after the applicant's arrest, thereby rendering its evidentiary value questionable. Moreover, the TIP proceedings do not attribute any specific role to the applicant, nor do they establish his identification in connection with the alleged offence. The applicant's own confessional statement, recorded during the investigation, unequivocally indicates that he is a victim of circumstance and not a perpetrator of the alleged crime. There is no material to suggest that the applicant is affiliated with or has any nexus to the organised crime syndicate referred to in the charge sheet.

Furthermore, there has been no recovery or discovery of any weapon, article, or instrument from the applicant that would establish his involvement in the commission of the offence. The supplementary statement of the informant categorically implicates the co-accused as the individual who assaulted the informant and forcibly took away cash. The applicant is not named in this account. No corroborative confessional statement has been recorded from any of the co-accused that would implicate the applicant or substantiate his alleged involvement. The charge sheet, in its entirety, fails to demonstrate the applicant's physical presence at the scene of the offence or any overt act linking him to the commission of the crime. The learned Counsel further submits that, if bail is granted, the applicant undertakes not to enter the territorial jurisdiction of the concerned police station until the conclusion of the trial.

6. On the other hand, the learned Additional Public Prosecutor has opposed the bail application, contending that the applicant, in connivance with the gang leader of an organised crime syndicate and other co-accused committed the present crime. The applicant and his associates forcibly snatched an amount of Rs.22,000/- from the possession of

the informant and subjected him to physical assault. Furthermore, in a brazen attempt to intimidate and inflict further harm, the applicant and the co-accused attempted to run over the informant with a motorcycle, and thereafter absconded from the scene of the offence. It is further submitted that the applicant is a member of a criminal gang that has instilled a pervasive sense of fear and insecurity in the locality, creating a reign of terror. The motorcycle used in the commission of the offence was seized by the investigating agency from the brother of the applicant. Moreover, during the course of the investigation, the applicant was subjected to a TIP, wherein he was identified by the informant as one of the perpetrators involved in the commission of the present offence.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears that the prosecution has not alleged any direct involvement of the applicant in the acts of assault and robbery. It further appears that the only imputed role is that of purported instigation and vehicular assistance to co-accused Rohit Dhanve. The applicant is neither alleged to have entered the premises nor to have participated in the

physical assault or extortion. There is no recovery of incriminating material from the applicant. The motorcycle allegedly used in the commission of the offence was voluntarily produced by the applicant's brother and not seized from the applicant. No weapon, article, or instrument has been recovered from the applicant. The prosecution relies on CCTV footage, yet no transcript or forensic authentication has been placed on record. The TIP was conducted nearly three months after the arrest. Moreover, the TIP does not attribute any specific role to the applicant. The applicant is not shown to have any association with the alleged gang leader or syndicate. The informant's supplementary statement specifically implicates the co-accused in the assault and robbery. The applicant's own statement recorded during the investigation suggests that he merely acceded to a request for transportation, without any knowledge of the criminal intent or subsequent incident. No corroborative confessional statement from the co-accused implicates the applicant. There is no material to suggest that the applicant poses a flight risk or is likely to tamper with evidence or influence witnesses. The applicant has been languishing in jail since 3 July 2024 and to date

charge is not yet framed. The prosecution proposes the examining 18 witnesses and the trial will take its own time.

8. In view of the foregoing, this Court is of the opinion that 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 CR No.342 of 2024, registered at Bhosari MIDC 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 shall not enter the jurisdiction of the Bhosari MIDC Police Station, Pune, until the conclusion of the trial, save and except to attend the trial proceedings.

(iii) The applicant, either himself or through any other person, shall not tamper with the evidence or influence

witnesses.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

9. Accordingly, the bail application stands disposed of.

[R. N. Laddha, J.]