

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1932 OF 2025

Sagar Madhukar Tekale

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Ashok Rao, Advocate for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent.
 - PI – Dipali Kulkarni, Ghatkopar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

1. Heard Mr. Rao, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent.

2. Applicant is arraigned as Accused No.7 in the present crime. In all there are total 14 Accused persons who are involved in a fight between warring group.

3. Precursor to the incident is probably long standing enmity between two groups emanating from 2020 onwards.

4. Present skirmish / scuffle leading to the unfortunate incident occurred during the Ganpati festival in the year 2024. It is prosecution case that in so far as Applicant is concerned he is not named in the First Information Report (for short 'FIR') but three days after the incident supplementary statement is recorded of the Complainant who

is the brother of victim in the present case and he names the presence of Applicant at the incident spot. Applicant is a band-player and Mr. Rao has persuaded me to consider the case of prosecution emanating from the witness statements. He would submit that *prima facie* there is discrepancy and variation as also contradiction in the witness statements itself when the interested witnesses whose statements are recorded by the prosecution namely mother and another friend of the deceased – victim, it is *prima facie* seen therefrom that they had arrived at the scene of crime pursuant to culmination of the incident in question. He would therefore submit that veracity of the said statements cannot be used to indict the presence of Applicant as none of these interested witnesses had seen or were present at the time of occurrence of the incident.

5. He would submit that Applicant is arrested solely on the ground of circumstantial evidence and his association with the other co-accused persons and is facing incarceration for the past 7 months 19 days. Considering the aforesaid role as argued by Mr. Rao, learned APP is directed to take specific instructions about the precise role of Accused.

6. Though learned APP has *prima facie* informed the Court that the Complainant has identified Applicant during the test identification parade that Applicant was present but then nothing prevented him

from registering his presence in the FIR in the first instance itself. This needs an answer from the prosecution.

7. Learned APP shall also ascertain the veracity of the submissions made by Mr. Rao and accordingly apprise the precise role of Applicant to this Court to enable this Court to decide the Bail Application of Applicant considering the fact that Applicant is merely 24 years old and is a young person.

8. However in view of the aforesaid facts liberty is granted to Applicant to move the Vacation Bench for seeking bail.

9. Stand over to **15th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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