

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

Bail Application No.2005 of 2025

Gajanan Lahu Jadhav

Age: 22 yrs, Occu:

R/at: Sahakar Nagar, Lonikand,

Tal: Haveli, Dist: Pune

(Presently lodged in Yerwada Central Prison) ... Applicant

versus

1. The State of Maharashtra

(At the instance of Sr.P.I. Lonikand

Police Station, Dist: Pune)

2. Mohan N Jahad

Age: Adult, Business,

R/at: Phulgaon, Near Raisonni Farm,

Tal: Haveli, Dist: Pune

... Respondents

Mr Kuldeep Patil, i/b. Ms Saili Dhuru, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/ State.

Ms Aruna Pai, a/w. Mr Vivek Rane and Mr Paras Yadav, for
respondent No.2.

PSI Dilip Palve, Lonikand Police Station, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 11 November 2025.

P.C.:

Heard Mr Kuldeep Patil, the learned Counsel appearing
on behalf of the applicant, Mr Arfan Sait, the learned

Additional Public Prosecutor representing respondent No.1/ State, and Ms Aruna Pai, the learned Counsel appearing for respondent No.2.

2. By this application, the applicant seeks bail in connection with CR No.545 of 2021, registered at Lonikand Police Station, Pune, for offences punishable under Sections 302 and 120B read with 34 of the Indian Penal Code, Section 4(25) of the Arms Act, 1959, and Sections 37(1) read with 135 of the Maharashtra Police Act, 1951.

3. It is the case of the prosecution that, on 21 October 2021, the informant and the deceased, Sandip, visited a land parcel near Jagtap Dairy to discuss rental terms with two farmers. After a brief stop at the residence of Sandip's sister, Sunita Sakore, they met Somnath Khule at a nearby hotel. Around 7:45 p.m., while returning via Alandi Road near Armacell Company, their vehicle was struck by a motorcycle carrying two unidentified persons. Sandip alighted to confront them, leading to a quarrel. During this, a white Swift car arrived, from which co-accused Nilesh Wagaskar, Sandip's cousin, and others emerged. Nilesh allegedly pushed the informant aside, prompting him to flee and alert Bapu alias Sanjay Wagaskar. On returning, the informant found Sandip grievously injured,

bleeding from head wounds inflicted with a sharp weapon. The prosecution alleges that due to prior land disputes, Nilesh and his associates, acting with premeditated intent, fatally assaulted Sandip. The applicant is alleged to have been the pillion rider who restrained Sandip during the attack, enabling the fatal blows.

4. Mr Kuldeep Patil, the learned Counsel appearing for the applicant, has strenuously urged that the applicant is innocent and has been falsely implicated in the present crime. Inviting the attention of this Court to the First Information Report (FIR) dated 22 October 2021, the learned Counsel submits that the applicant's name does not find mention therein, nor is there any reference to his alleged involvement in the commission of the offence. It is submitted that the applicant was neither named nor suspected at the initial stage of investigation and came to be implicated only subsequently, pursuant to a supplementary statement recorded by the complainant on 7 December 2021, after a considerable lapse of time from the date of the incident.

5. The learned Counsel contends that the belated identification of the applicant as the alleged pillion rider of the motorcycle raises serious doubts regarding the spontaneity,

reliability, and evidentiary value of such identification. It is further submitted that the Test Identification Parade (TI Parade) conducted on 27 January 2022, nearly three months after the applicant's arrest, did not result in the identification of the applicant by any of the prosecution witnesses, including the informant. This, according to the learned Counsel, materially undermines the prosecution's case and casts grave doubt on the applicant's alleged involvement. Moreover, it is submitted that even assuming the prosecution's case to be true in its entirety, there are no specific allegations of assault or any overt act attributed to the applicant. The learned Counsel points out that the weapon and the motorcycle allegedly used in the commission of the crime were recovered at the instance of the co-accused and not the present applicant.

6. The learned Counsel further submits that the applicant has been languishing in jail since 23 October 2021 and has remained in custody for over four years. Despite the framing of the charge in November 2024, the trial has not progressed in any meaningful manner, and no substantive evidence has been recorded to date. The applicant is thus suffering prolonged pre-trial detention without commensurate advancement in the proceedings. Mr Patil also submits that the applicant is willing to abide by any conditions that this Court may impose,

including a specific undertaking not to enter the territorial limits of Pune district until the conclusion of the trial. The applicant further undertakes not to seek relaxation of any such condition at any stage of the trial.

7. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Aruna Pai, the learned Counsel appearing for respondent No.2, jointly oppose the applicant's request for bail, emphasising the gravity and the seriousness of the offence. It is submitted that the applicant, in connivance with the co-accused, participated in a premeditated and deliberate attack on the deceased. The motive for the said attack is stated to have emanated from prior disputes pertaining to land and property transactions involving the co-accused, Nilesh. They contend that the applicant, along with the co-accused Omkar, was riding the motorcycle which was deliberately manoeuvred to collide with the vehicle of the deceased, compelling him to halt and exit his car. Subsequently, other co-accused persons arrived at the scene in a separate vehicle, and in the course of the coordinated assault, the applicant restrained the deceased from behind, enabling the co-accused to inflict fatal injuries upon the deceased using a sharp-edged weapon. They submit that the applicant's role was not peripheral but integral to the execution of the homicidal act.

8. This Court has given anxious consideration to the rival contentions canvassed across the Bar.

9. Upon perusing the records, it appears that the alleged incident occurred on 21 October 2021, and the FIR came to be registered on the following day, i.e., on 22 October 2021. Significantly, the applicant was not named in the FIR. The informant in his contemporaneous statement dated 22 October 2021, merely alleged that two unknown individuals riding a motorcycle had collided with the vehicle of the deceased. The statements of purported eyewitnesses, Niraj and Jeevan, recorded on 29 October 2021, also do not attribute any specific role or participation to the applicant. On the contrary, their statements appear to be based on hearsay information. The applicant's name first surfaced in a supplementary statement of the informant, recorded on 7 December 2021, following a substantial delay and subsequent to the applicant's arrest on 23 October 2021. At the time of arrest, there appears to have been no substantive or incriminating material available against the applicant. During the TI Parade, neither the informant nor Jeevan identified the applicant. Although witness Niraj identified the applicant, he did not assign any particular role to him in the alleged assault, nor was his supplementary statement recorded to clarify his observation. *Prima facie*, there is no

direct eyewitness account establishing that the applicant was present at the scene and participated in the commission of the offence. The weapon and motorcycle allegedly used were recovered at the instance of the co-accused, and not from the applicant. Moreover, the clothes seized from the applicant did not bear any bloodstains linking him to the alleged crime.

10. Furthermore, the applicant has been languishing in jail since 23 October 2021, and despite the framing of charges in November 2024, the prosecution has not examined any witness so far. The applicant has expressed his willingness to abide by all terms and conditions that may be imposed by this Court, including an undertaking not to enter the territorial jurisdiction of Pune district until the conclusion of the trial and not to seek relaxation of such condition during the pendency of the trial. The seriousness of the offence, while relevant, cannot justify indefinite incarceration in the present circumstances, particularly when the applicant's involvement remains doubtful.

11. Having considered the totality of the circumstances, including the absence of direct evidence, the deficiency in the TI Parade, the recovery of incriminating material from the co-accused, delay in trial, and the applicant's undertaking, this Court is of the view that the applicant deserves to be enlarged

on bail, subject to appropriate conditions. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.545 of 2021, registered at Lonikand 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, either personally or through any other person, attempt to tamper with prosecution evidence or issue any threats, inducements, or promises to prosecution witnesses.

(iii) The applicant shall not enter the territorial jurisdiction of the Pune District until the conclusion of the trial, save and except to attend the trial proceedings.

(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 the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

12. The application stands disposed of accordingly.

(R.N. Laddha, J.)