

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

Bail Application No.2167 of 2025

Satyam Dattatraya Kad

Age 24 years, Occ: Businessman,

R/o. Kadachiwadi, Chakan,

Tal. Khed, Pune.

(At present Yerwada Central Prison)

... Applicant

Versus

The State of Maharashtra

(Through Chakan Police Station

Pune Vide C.R. No.1678/2022)

...Respondent

Mr Priyal G Sardar a/w Mr Shubham Sane, for the applicant.

Mr M G Patil, APP, for respondent / State.

Coram: R.N. Laddha, J.

Date: 17 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.1678 of 2022, registered at Chakan Police Station, Pune, for offences punishable under Sections 307, 452, 324, 323, 504, 506, and 427 read with 34 of the Indian Penal Code; Sections 4 and 25 of the Arms Act, 1959; Sections 37(1) read with 135 of the Maharashtra Police Act, 1951; Sections 3 and 7 of the Criminal Law Amendment Act; and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organised Crime Act,

1999.

2. It is the prosecution's case that on 28 October 2022, the applicant, in furtherance of a common intention and in the company of the co-accused, assaulted a local shopkeeper by delivering fist and kick blows outside the residence of the informant. It is alleged that upon the intervention of the informant and her son, Akshay, the accused persons initially withdrew from the spot but shortly thereafter returned, armed with sharp-edged weapons and harbouring an intention to cause the death of Akshay. The accused are stated to have forcibly entered the informant's house and dragged Akshay outside, whereupon the applicant allegedly struck Akshay with a sickle, causing an injury by grazing his shoulder. It is further alleged that the accused persons damaged the windowpanes of the house and vandalised the vehicles parked in the vicinity. Before absconding, they are alleged to have brandished weapons at neighbouring residents and issued threats to the informant's family with the intent to dissuade them from approaching the police authorities.

3. Mr Priyal Sarda, the learned Counsel appearing on behalf of the applicant, asserting the applicant's request, contends that the applicant has been falsely implicated in the crime. He

submits that the incident is purported to have taken place on 28 October 2022; however, the FIR came to be registered only on 29 October 2022, and no cogent, satisfactory, or plausible explanation has been furnished for such delay. The learned Counsel further draws attention to the medical record, pointing out that although the injured persons were allegedly examined on 29 October 2022, the corresponding injury certificates were inexplicably issued much later on 16 April 2023. According to the learned Counsel, such an inordinate and unexplained delay in the issuance of the medical certificates undermines the credibility and authenticity of the medical evidence relied upon by the prosecution. Even as per the prosecution's own case, the injuries alleged to have been sustained by the informant and the injured persons are simple in nature, and do not satisfy the essential ingredients of an offence under Section 307 of the IPC. The learned Counsel further submits that the co-accused, Viraj, has already been enlarged on bail by the Supreme Court vide order dated 16 October 2025 on the ground of long incarceration. The learned Counsel further draws the attention of this Court to the fact that the applicant has been languishing in jail since 1 November 2022 and to date, charges have not yet been framed. The learned Counsel further submits that no corresponding injury was caused to Akshay and nothing was recovered from or at the behest of the applicant. The applicant

is willing to comply with any conditions that this Court may deem appropriate to impose, including staying outside the territorial jurisdiction of Pune District until the conclusion of the trial.

4. On the other hand, Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposed the applicant's request for bail. He submits that the applicant, along with the co-accused, indulged in a premeditated and violent act with the clear intent of creating terror and fear in the locality. It is contended that the applicant and the co-accused assaulted the informant, forcibly twisted her wrist, and further attacked her son with a sickle. The learned APP further points out that the applicant has criminal antecedents. According to the learned APP, the gravity and seriousness of the offence coupled with the applicant's past conduct, the present case does not warrant the exercise of discretion in favour of the applicant. He also expresses concerns about granting bail to the applicant, as he may tamper with evidence or exert influence over a witness.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar. The medical certificates placed on record raise issues that cannot be ignored at this

stage. Though the injured persons were allegedly examined on 29 October 2022, the injury certificates were issued much later on 16 April 2023. The prosecution has not offered any explanation for this delay. Even accepting the prosecution's case at its highest, the injuries attributed to the applicant are described as simple in nature. The alleged injury to Akshay is stated to be a grazing injury on the shoulder. Whether the ingredients of Section 307 IPC are attracted or not is a matter of debate, however, at this stage, the nature of injuries does not *prima facie* indicate an act of such gravity as would necessarily justify prolonged pretrial incarceration.

6. It is also pertinent to note that no weapon has been recovered from or at the instance of the present applicant, and no specific material is pointed out to show that the applicant caused any grievous or life-threatening injury to the injured persons. Furthermore, there appears delay in lodging the FIR. The applicant has been languishing in jail since 1 November 2022, however, charges have not yet been framed. The Court also finds merit in the submission that a co-accused, Viraj, has already been enlarged on bail by the Hon'ble Supreme Court by an order dated 16 October 2025, *inter alia*, on the ground of long incarceration. The principle of parity, though not absolute, is a relevant consideration, particularly when the role attributed

to the applicant does not appear to be graver than that of the co-accused already released on bail.

7. As regards the apprehension expressed by the learned APP that the applicant may tamper with evidence or influence witnesses, the applicant has expressed willingness to comply with all the conditions imposed by this Court, including residing outside the jurisdiction of Pune District during the pendency of the trial. The existence of criminal antecedents, though a relevant factor, cannot by itself be decisive to deny bail, especially when the applicant has undergone substantial pre-trial detention and the trial is yet to commence as well as the fact that the co-accused have already been released on bail.

8. Having regard to the totality of the circumstances, including the nature of allegations, the delay in the FIR, medical documentation, the simple nature of injuries, absence of recovery, long period of incarceration, non-framing of charges, and parity with the co-accused, this Court is of the view that the applicant has made out a case for grant of bail. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.1678 of 2022, registered at

Chakan 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, himself or through any other person, shall not tamper with the evidence or influence witnesses.

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

(iv) The applicant shall refrain from entering the Pune district until the conclusion of the trial, save and except to attend the trial proceedings.

(v) The applicant, upon his release, shall immediately furnish his residential and contact information to the Inspector of the concerned Police Station and notify him of any subsequent changes forthwith.

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]