

VRJ

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

BAIL APPLICATION NO.2282 OF 2025

VAIBHAV
RAMESH
JADHAV

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Anand Ramesh Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Bharat V. Bhatia and Pradnya Sonawane for the applicant.

Ms. Mahalaxmi Ganapathy, APP for the State.

Mr. B. P. Kobarne, PSI, Central Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2025

P.C.:

1. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the applicant seeking grant of regular bail in connection with Crime No.81 of 2025 registered with Central Police Station for the offences punishable under Sections 109, 352, 351(2), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023, as also under Section 135 of the Bombay Police Act.

2. The prosecution case, in brief, is that on 27th January 2025 at around 3:00 a.m., an incident took place in front of the house of the informant. It is alleged that accused persons namely Prem,

Varun, Mohit, and Kali harboured animosity towards the informant, as he had allegedly passed on information about their involvement in a crime to the police. On the date and time of the incident, the said accused persons, armed with deadly weapons like a chopper, pistol, and iron rod, are alleged to have come to the spot for the purpose of committing contract killing. They are alleged to have threatened the informant, questioning him as to why he was acting as a police informant, and thereafter, physically assaulted him with intent to kill. Based on these allegations, the FIR came to be lodged.

3. Learned Advocate appearing for the applicant has submitted that the specific role attributed to the applicant is that of conducting 'reiki' (recce/surveillance) of the informant prior to the alleged incident. It is the contention of the learned counsel that the applicant was not present at the actual spot when the assault took place. It is further submitted that the alleged place where the applicant is said to have conducted reiki is located nearly 20 kilometers away from the place of actual incident. Therefore, it is contended that the applicant had no direct participation in the commission of the offence, nor is there any overt act committed by him which would justify his continued detention. On these grounds, it is prayed that the applicant deserves to be released on bail.

4. On the other hand, learned APP has opposed the application and submitted that although the applicant may not have been physically present at the scene of offence, he had knowingly assisted the main accused in preparation and planning of the

crime. It is pointed out that the applicant not only conducted reiki of the informant but also met accused No.1 on the very next day after the incident. The learned APP further submits that there is material in the form of a phone call between the applicant and accused No.1 which took place one day prior to the occurrence, and this aspect indicates a degree of criminal conspiracy and shared intention. It is therefore urged that the applicant's involvement cannot be brushed aside at this stage and the bail application deserves to be rejected.

5. I have carefully considered the submissions made by the learned advocate for the applicant as well as the learned APP for the State. I have also perused the material placed on record, including the FIR and case diary papers.

6. At the outset, it is to be noted that the primary allegation against the present applicant is that he had allegedly done reiki (surveillance) of the informant prior to the incident. It is not the case of the prosecution that the applicant was physically present at the scene of offence or that he assaulted the informant with any weapon. The allegation of reiki pertains to a place which is situated about 20 kilometers away from the actual location of the incident. There is no recovery of any weapon or article from the applicant, nor is there any direct involvement attributed to him at the time of the occurrence.

7. As regards the alleged meeting with co-accused on the following day and one phone call made prior to the incident, these facts by themselves, in absence of any further incriminating

material, do not prima facie establish that the applicant shared the common intention or actively participated in the alleged conspiracy. At this stage, the prosecution has not brought forth any cogent material showing that the applicant had knowledge of the exact plan to kill the informant or that he had any role beyond mere association.

8. It is well settled that the seriousness of the allegations cannot be the sole ground to deny bail, especially when there is no clear evidence of the applicant's direct involvement. The applicant has no criminal antecedents as per the record. He is in custody since his arrest and the trial is likely to take considerable time. Continued incarceration, without substantial evidence connecting the applicant to the core offence, would amount to pre-trial punishment, which is impermissible in law.

9. In view of the above circumstances, and considering the nature of allegations, the role attributed to the applicant, the distance between the alleged reiki location and place of occurrence, and absence of any overt act at the spot, this Court is of the opinion that a case is made out for grant of bail.

10. Hence, the following order is passed:

11. The applicant Anand Ramesh Jadhav is directed to be released on bail in connection with Crime No.81 of 2025, registered with Central Police Station for offences punishable under Sections 109, 352, 351(2), 61(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and under Section 135 of the Bombay Police Act, upon furnishing a personal bond of Rs.25,000/-

(Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- c) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- d) The applicant shall not indulge in any criminal activity during the pendency of the trial.

12. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)