

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

Criminal Bail Application No. 3191 of 2025

Rahul Vasant Tate

(Presently lodged at Yerwada Central Jail)

Age 19 years, Occupation: ..

R/at.: S.No.10, Vande Mataram

Chowk, Near Shadab Bakery,

Ramtekdi, Hadapsar, Pune.

... Applicant

Versus

The State of Maharashtra

Through Wanawadi Police Station,

in C.R.No.375 of 2024.

...Respondent

Mr Kuldeep Nikam a/w Ms Nishi Singhvi, for the applicant.

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

PSI Nandkishor Jadhav, Wanwadi Police Station, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 16 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.375 of 2024, registered at Wanwadi Police Station, Pune, for offences punishable under Sections 395, 427, 326, 324, 323, 504, and 506 of the Indian Penal Code; Section 7 of the Criminal Law Amendment Act; Sections 37(1)(3) read with

135 of the Maharashtra Police Act, 1951; and Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act').

2. It is the case of the prosecution that on 10 June 2024, as the informant was returning home from his autorickshaw and approached the Laxmi Mata Temple located at Ramtekdi in Hadapsar, the applicant, along with the co-accused, intercepted him. The co-accused, Ajay Ukirde and Laddu Waghela, forcibly took possession of the informant's mobile phone, which was attached to the handle of the vehicle. The applicant and co-accused Irfan then proceeded to rob the informant by unlawfully removing Rs.300 from his pocket. Upon the informant's attempt to resist, Laddu struck him with a stone. When the informant indicated his intention to report the matter to the police, the accused proceeded to throw stones at his vehicle, pursued him, and engaged in the vandalism of nearby parked vehicles using paver blocks, bricks, stones, and broken tiles. It is further alleged that upon the informant's arrival at his residence, the accused persons began shouting, verbally abusing, and physically assaulting the informant. In response to the informant's cries for help, his brothers, Ketan, Kiran, Harshwardhan, and Abhishek, came to his assistance. At that moment, the co-accused, Ajay Ukirde, inflicted injuries

upon them using a sharp-edged weapon, after which all the accused fled the scene.

3. Mr Kuldeep Nikam, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that the allegations levelled against the applicant are vague, and lacking in specificity. The overt act of assault, as per the prosecution's case, is attributed to the co-accused persons, Ajay and Laddu. The weapon allegedly used in the commission of the offence was recovered at the instance of the co-accused, not the applicant. The applicant has no criminal antecedents, and the provisions of the MCOC Act do not apply to the applicant. *Assuming arguendo*, the prosecution's case at its face value, the learned Counsel contends that no *prima facie* case under Section 395 IPC is made out against the applicant. There is no material on record linking the applicant to the commission of the alleged crime.

4. It is further submitted that the investigation in the present matter stands concluded and nothing remains to be recovered or discovered at the instance of the applicant. The co-accused, Ajay Ukirde, the alleged gang leader; Laddu alias Sahil Waghela; and Hemant alias Bappya Nitin alias Gopinath

Dodke, have been enlarged on bail, and therefore, the applicant is entitled to the benefit of parity. The applicant is a permanent resident with deep roots in society and poses no flight risk. The applicant has been languishing in jail since 10 June 2024 and, notwithstanding the filing of the charge sheet, no charges have been framed till date, resulting in prolonged incarceration without commencement of trial.

5. On the other hand, Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail, citing the gravity and seriousness of the offence. He submits that a specific role has been attributed to the applicant. The applicant looted the informant and subsequently assaulted him with the co-accused in an attempt to create terror in society for pecuniary gain. The applicant is an active member of the gang headed by co-accused Ajay and has actively participated in the commission of the offence. The learned APP expresses concern about granting bail to the applicant, as he may tamper with the evidence or influence witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records, including the affidavit-in-reply.

7. Upon perusing the records, it *prima facie* emerges that the specific allegations attributed to the applicant pertain solely to the act of having allegedly snatched a sum of Rs.300/- from the pocket of the informant by use of force. There are no averments suggesting that the applicant was armed or that he employed any weapon during the commission of the alleged offence. Furthermore, no incriminating material or stolen property has been recovered either from the possession of the applicant or at his instance during the course of the investigation. It is also pertinent to note that the applicant does not have any prior criminal antecedents. Significantly, the co-accused persons, who are alleged to have wielded weapons during the incident and against whom criminal antecedents are attributed, have already been enlarged on bail. Even accused No.1, who is purportedly the leader of the group in the alleged offence, has been granted bail. Moreover, the charge sheet has been duly filed, however, the charges are yet to be framed. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing appropriate conditions.

8. Having considered the totality of the circumstances, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.375 of 2024, registered at Wanwadi 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 exert influence over witnesses.

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

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]