

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

Bail Application No.3307 of 2025

Rahul Hari Ghadai @ Koli

Age: 24 years, Occ : Nil

R/o: Gajanan Heights, Flat No.

502, Gajanan Nagar, Behind

Power House, Phursungi,

Hadapsar, Pune.

Permanent Add:

Desai Nagar, Solapur City,

Solapur at present lodged in

Yerwada Central Prison

... Applicant

versus

The State of Maharashtra

Through Wanwadi Police Station

C.R. No.122 of 2022

... Respondent

Mr Aniket Vagal, a/w. Ms Savvy Kolhekar and Ms Juhi Kadu,
for the applicant.

Mr BB Kulkarni, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 4 November 2025.

P.C.:

By this application, the applicant seeks bail in connection
with CR No.122 of 2022, registered at Wanwadi Police Station,
Pune, for the offences punishable under Sections 302, 307,

323, 201, 120B, 506(2), 143, 144, 147, 148 and 149 of the Indian Penal Code, Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951, Section 4(25) of the Arms Act, 1959, Section 7 of the Criminal Law Amendment Act, and Sections 3(1)(i), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is the case of the prosecution that on 12 April 2022, the applicant, along with the co-accused, holding grudges from a prior altercation, formed an unlawful assembly and assaulted the deceased, Sunny, and the injured, Sahil, using a koyta, palghan, wooden sticks and stones. It is alleged that when members of the public endeavoured to intervene and assist the victims, the co-accused Sachin, alongside the applicant, allegedly hurled the koytas in their possession and issued threats to deter any attempts at rescue.

3. Mr Aniket Vagal, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. It is submitted that the prosecution's case, at best, narrates an incident where a quarrel occurred between two groups. No specific role has been attributed to any person, rendering the allegations against the applicant general, vague and bereft of

details. The learned Counsel further contends that the applicant was not present at the spot at the relevant time and was attending the hospital for the treatment of his newborn child. The applicant is neither seen in the CCTV footage nor located in the vicinity as per the Call Detail Records (CDRs). Furthermore, the weapon allegedly used in the crime was recovered from the spot of the incident and not from the applicant. The learned Counsel further contends that the offences alleged are not attracted to the applicant.

4. The learned Counsel also submits that accused No.1, who has been attributed a similar role to that of the applicant, and accused No.6 have already been released on bail. It is further contended that the principle of parity squarely applies to the applicant. The applicant has been in jail since 19 April 2022, and with the investigation concluded and the charge sheet filed, his continued incarceration would not serve any purpose. Mr Vagal further submits that the applicant undertakes to scrupulously abide by any terms and conditions that may be imposed by this Court, including a condition to remain outside the territorial jurisdiction of Wanwadi and Hadapsar Police Stations until the conclusion of the trial, and not seek relaxation of any such condition.

5. On the other hand, Mr BB Kulkarni, the learned Additional Public Prosecutor representing the respondent/ State, contends that the applicant is affiliated with a gang led by accused No.1 and has been involved in violent acts. In the present crime, the applicant participated in the unlawful assembly and contributed to the assault on the deceased and the injured. The offence, it is argued, is of a serious and grave nature, and the applicant has a history of criminal behaviour. While the learned APP fairly concedes that the applicant's role in the present crime is comparable to that of accused No.1 and that the applicant may be entitled to seek the benefit of parity, he raises concerns regarding the risk of evidence tampering or witness intimidation should bail be granted.

6. This Court has given anxious consideration to the rival contentions and perused the records, including the affidavit-in-reply filed on behalf of the respondent.

7. Upon a perusal of the records, particularly the statement of witnesses, it appears that a specific role has been attributed to accused Nos.2, 3, 4, 5 and 8 regarding the use of the specific weapons; however, the allegations levelled against the applicant and other co-accused who are granted bail appear to be of a general nature. The material on record indicates that the co-

accused persons, who stand on a similar footing as the applicant, have already been granted bail. The investigation has concluded, and a charge sheet has been duly filed. The applicant has been languishing in jail since 19 April 2022, and there has been no significant progress in the trial to date. The prosecution's apprehension about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions. Furthermore, the learned Counsel for the applicant, on instructions, has assured the Court that the applicant will refrain from entering the territorial jurisdiction of Wanwadi and Hadapsar Police Stations until the conclusion of the trial and further undertakes not to seek relaxation of the said condition.

8. Having considered the totality of the circumstances, including the undertaking given by the applicant, parity in treatment extended to the co-accused, and the absence of any disqualifying factors, this Court finds no justifiable reason to deny the benefit of bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.122 of 2022, 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 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 cooperate and regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

(iv) The applicant shall not enter the territorial jurisdiction of Wanwadi and Hadapsar Police Stations until the conclusion of the trial.

(v) 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.

9. The application stands disposed of accordingly.

10. It is clarified that these *prima facie* observations are confined to determining the entitlement to bail.

(R.N. Laddha, J.)