

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

Bail Application No.3412 of 2025

Amit Avinash Kambale

Age- 25 yrs, Occ: Labour

R/O: Khandaj, Tal- Baramati

Dist- Pune (Presently detained at

Yeravada Jail Pune)

... Applicant

versus

The State of Maharashtra

(Through P. I Malegaon Police Station)

... Respondent

Mr Rahul Dhaygude, a/w Mr Sanket Mane, for the applicant.

Mr SV Walve, APP, for the respondent/ State.

PSI Tushar Bhor, Malegaon Police Station, Pune Rural, is present.

Coram: R.N. Laddha, J.

Date: 26 November 2025.

P.C.:

By this application, the applicant (accused No.3) seeks bail in connection with CR No.213 of 2024, registered at Malegaon Police Station, Pune Rural, for the offences punishable under Sections 109, 140(1), 118(2), 189(2), 189(4), 190, 191(2)(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 8 September 2024, the co-accused, Yash and Utkarsh, picked up Akshay, the injured, from his residence and made him sit between them on a motorcycle and took him to a secluded area situated behind Malegaon Engineering College. At that location, the applicant, along with the co-accused, harbouring resentment from Akshay's relationship with Yash's sister, assaulted Akshay using wooden sticks, kicks and punches, with the intention to kill him.

3. Mr Rahul Dhaygude, 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. The learned Counsel submits that the co-accused, Tejas, whose involvement in the commission of the alleged crime mirrors that of the applicant, has already been granted bail. In light of this, it is argued that the applicant, being in a similar position to that of accused No. 4, is entitled to seek bail on the grounds of parity.

4. Additionally, Mr Dhaygude points out that the weapons allegedly used in the crime were recovered from an open space. The investigation has now been completed, and the charge sheet has been duly filed before the competent Court. The

applicant has been languishing in jail since 9 September 2024 and is prepared to comply with any conditions that this Court may impose, including an undertaking not to enter the territorial jurisdiction of the Pune District.

5. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail and asserts that the offence is of a grave and serious nature. He submits that the applicant has criminal antecedents. While the learned APP fairly concedes that the role of the applicant in the present crime is similar and identical to that of accused No.4, who has been released on bail, and 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 submissions canvassed across the Bar. Upon perusal of the records, it appears that accused No. 4, whose alleged involvement in the crime is similar to that of the applicant, has already been released on bail. Of the seven accused, four have been granted bail. Notably, the weapons purportedly used in the commission of the crime were recovered from an open area. The investigation into the matter has concluded, and the

charge sheet has been duly filed before the competent Court. The applicant has been languishing in jail since 9 September 2024, yet no charges have been framed to date. The prosecution intends to examine as many as eleven witnesses in support of its case. In such circumstances, the likelihood of an early conclusion of the trial appears remote. The apprehension expressed by the prosecution regarding the possibility of the applicant tampering with the evidence or influencing witnesses can be effectively mitigated by imposing stringent conditions. The applicant has expressed his willingness to abide by any conditions that may be imposed by this Court, including residing outside the territorial jurisdiction of Pune district during the pendency of the trial.

7. Having considered the totality of the circumstances and the applicant's undertaking, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in connection with CR No.213 of 2024, registered at Malegaon Police Station, Pune Rural, 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 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 changes therein.
- (v) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)