

sg

32.ba3477-25.docx

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

Bail Application No.3477 of 2025

Kiran Maruti Gaikwad
Age-20 years, Occ. - Service
R/o. - Shivaji Khandave Chawl,
Khandoba Lane Lohgaon, Pune
Tal. - Haveli Dist. - Pune.
Pin Code – 411047

... Applicant

versus

The State of Maharashtra
(Through Chaturshrungi Police
Station, Pune)

... Respondent

Mr Chaitanya Mulawkar, for the applicant.
Mr Prasanna Malshe, APP, for the respondent/ State.
PSI Umesh Koli, Chaturshrungi Police Station, Pune City, is
present.

**Coram: R.N. Laddha, J.
Date: 21 November 2025.**

P.C.:

By this application, the applicant (accused No.9) seeks bail in connection with CR No.549 of 2018, registered at Chaturshrungi Police Station, Pune, for offences punishable under Sections 302, 143, 144, 147, 148, 149 and 120B of the Indian Penal Code (IPC), Section 4(25) of the Arms Act, 1959, and Sections 37(1) read with 135 of the Maharashtra Police

Act, 1951.

2. It is the case of the prosecution that on 1 November 2018, the applicant, along with the co-accused, holding grudges from a prior dispute, formed an unlawful assembly and launched an attack on the deceased Rohit near the Hanuman Temple. During the assault, using iron sickles, fists, and kick blows, they targeted vital parts of the body, causing fatal bleeding injuries and committed his murder.

3. Mr Chaitanya Mulawkar, 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 applicant is not named in the FIR and the allegations against him are vague and lack specificity. The weapons allegedly used in the crime were recovered from an open area accessible to the public and accused No.2, not the applicant. Highlighting that the co-accused, including accused Akash, whose role is similar to that of the applicant, have already been released on bail, the learned Counsel argues that the principle of parity squarely applies to the applicant. Mr Mulawkar further submits that the applicant has been languishing in jail since 5 November 2018, and that, with the investigation concluded and the charge sheet filed, his continued incarceration would serve no purpose. The applicant

has no criminal antecedents and 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 Pune district.

4. On the other hand, Mr Prasanna Malshe, the learned Additional Public Prosecutor representing the respondent/State, opposes the applicant's request for bail. He submits that the applicant participated in the unlawful assembly and contributed to the assault on the deceased. The offence, it is argued, is of a serious and grave nature. While the learned APP fairly concedes that the applicant's role in the present crime is comparable to that of the co-accused 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.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar. Upon perusing the records, it appears that the applicant is not named in the FIR, and the purported motive for the commission of the offence is attributed to the co-accused, Gajendra, who has already been released on bail. Despite having received permission to conduct a Test Identification Parade (TI Parade) from the learned Magistrate on 2 January 2019, no TI Parade has been

conducted. Notably, the weapons allegedly used in the crime were recovered either from an open area or from the co-accused. The investigation has concluded, and a charge sheet has been duly filed before the competent Court. Out of the twelve accused persons, ten have already been enlarged on bail.

6. That apart, the applicant has been languishing in jail since 5 November 2018 for over seven years. Although the trial proceedings have formally commenced, it is pertinent to note that, as of the date, only eight witnesses have been examined. The prosecution has proposed examining more than fifty witnesses in support of its case, and the conclusion of the trial is not foreseeable in the near future. The prosecution's apprehensions regarding the possibility of the applicant tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions. The applicant has undertaken to abide by any conditions that this Court may deem fit to impose, including residing outside the territorial limits of the Pune District.

7. Having considered the totality of the circumstances, long incarceration of the applicant, the undertaking given by the applicant, and parity in treatment extended to the co-accused, 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.549 of 2018, registered at Chaturshrungi 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 Pune District till the conclusion of the trial proceedings, save and except to attend the trial proceedings.

(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.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)