

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

Bail Application No. 3693 of 2025

Tejas Chandrakant Wagh @ Don
Adult, Age : 24 years, Occ. Student,
R/at : Khanpur Haveli,
Dist. Pune, Haveli Gramin,
Pune, Maharashtra.

... Applicant

versus

The State of Maharashtra
(At the instance of Haveli Police
Station, in C.R. No.210 of 2024)

...Respondent

Mr Vipul V Dushing a/w Mr Sarvesh Nikam, Mr Ajay Gavli,
Mr Tanmay Kate, Mr Anvay Pawar, Mr Sangram Jadhav and
Mr Jayant Patil, for the Applicant.

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

PSI Sanjay Sutnase, Haveli Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 29 September 2025

P.C.:

. Heard Mr Vipul Dushing, learned Counsel appearing on
behalf of the applicant, and Mr M G Patil, learned Additional
Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks bail in connection
with CR No.210 of 2024, registered at Haveli Police Station,

Pune Rural, for offences punishable under Sections 103(1), 189(2)(4)(9), 191(2)(3), 190, 352 and 351(2)(3)(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(25) and 4(27) of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act.

3. It is the case of the prosecution that the applicant, in connivance with the co-accused, formed an unlawful assembly, with the common object of committing a violent assault. In furtherance of the said common object, the accused persons launched a physical attack upon one Rohit @ Bhorya Dharmendra Dhhile. As a consequence of the injuries sustained during the said assault, the victim succumbed to the injuries.

4. The learned Counsel for the applicant submits that the present criminal case involves a total of sixteen accused persons. Out of these, seven co-accused have already been enlarged on bail, either by this Court or by the Court of Sessions. It is further submitted that the role attributed to the present applicant is analogous and *pari materia* to that of the co-accused who have been granted bail, and no overt act or aggravating circumstances distinguishes the applicant's alleged involvement from theirs. It is further contended that the incident in question has given rise to a cross-case, wherein the

applicant's real brother was allegedly murdered by the informant and certain individuals who now figure as prosecution witnesses in the present FIR. Notably, five of the purported eyewitnesses cited in the present case are themselves arrayed as accused persons in the said cross-FIR. The learned Counsel submits that the applicant has been falsely implicated in the present case, along with his surviving brother, owing to familial enmity. In view of the identical role assigned to the applicant *vis-a-vis* the co-accused who have already secured bail, the applicant seeks parity in the matter of bail. It is further submitted that no Test Identification Parade (TIP) has been conducted by the investigating agency. Moreover, no incriminating material has been recovered at the instance of the applicant during the course of investigation. The applicant has been languishing in jail since 15 September 2024, and despite the lapse of considerable time, there has been no meaningful advancement in the trial proceedings. In view of the above circumstances, including the principle of parity, absence of recovery, lack of TIP, the stage of the trial, and the cross-FIR, the applicant prays for his release on bail.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/State submits that the applicant has been categorically named in the FIR and a specific

overt act has been attributed to him. It is alleged that the applicant in connivance with other co-accused persons, assaulted the deceased using an iron rod, thereby inflicting fatal injuries. The nature of the offence is grave and serious, involving violence resulting in death. It is further submitted that the incident in question has given rise to both a case and a cross-case. This factual matrix, according to the learned APP, reflects the existence of their presence on the spot, at the relevant time.

6. Upon consideration of the submissions advanced and the material on record, *prima facie* it appears that the applicant stands on similar footing as the co-accused who have already been granted bail. The absence of any overt act, lack of recovery, and non-conduct of TIP weigh in favour of the applicant. The existence of a cross-FIR, wherein prosecution witnesses in the present case are themselves accused, raises serious doubts regarding the impartiality and credibility of the prosecution's version. In view of the above and considering the principle of parity, absence of recovery, non-conduct of TIP, and the stage of trial, this Court is inclined to grant bail to the applicant. Accordingly, the following order is passed.

ORDER

- (i) The applicant shall be released on bail in

connection with CR No.210 of 2024, registered at Haveli Police Station, Pune Rural, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the Court of any change therein.

(iv) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for valid reasons.

(v) The applicant shall not enter the territorial jurisdiction of the Haveli Police Station, Pune till the conclusion of the trial proceedings.

(vi) Any breach of the above conditions shall entail cancellation of bail.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)