

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

Criminal Bail Application No.3753 of 2025

Pratap Sambhaji Jagtap
Age: 39 Years Old; Nil
R/O Mu.Post-Mandki,
Tal-Purandar, Dist-Pune
(at present lodged in Yerwada
Central Prison Pune)

... Applicant.

Vs.

The State of Maharashtra
At the instance of Saswad Police
Station vide CR No.258/2024

... Respondent.

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

Mr Arfan Sait, APP for the respondent / State.
GPSI SR Bhishe, Saswad Police Station.

**Coram : R.N.Laddha, J.
Date : 8 December 2025.**

P.C. :

Heard Mr Aniket Vagal, the learned Counsel
appearing on behalf of the applicant, and Mr Arfan Sait, the
learned Additional Public Prosecutor representing the
respondent/ State.

2. By this application, the applicant seeks bail in

connection with CR No.258 of 2024, registered at Saswad Police Station, Pune, for offences punishable under Sections 109(1) and 61(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(25) of the Arms Act, 1959.

3. The First Information Report (FIR) has been lodged by one Vijay, the brother of the injured, Rahul. The prosecution's case, in brief, is that the applicant, along with accused Ajay and Daya, harboured a longstanding grudge against Rahul, owing to his repeated involvement in mediating a domestic dispute between the applicant and his wife. It is alleged that Ajay, Daya, and the applicant had previously issued threats to the informant, demanding that Rahul desist from interfering in family affairs, with a warning that failure to comply would result in his being shot. On 18 July 2024, while Rahul was at his ice-cream shop, three unknown assailants entered under the pretext of purchasing and consuming ice-cream. After doing so, one of the assailants shot Rahul before they all fled the scene of the occurrence. Subsequently, during transit to the hospital, Rahul stated that the applicant, Ajay, and Daya as the masterminds behind the assault.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. It is contended that no overt or covert acts have been attributed to the applicant, and the suspicion alone forms the basis of his implication. The applicant is not an assailant, and no incriminating material has been recovered from him or at his behest. The co-accused, who share an analogous role to that of the applicant, have already been granted bail; and thus, it is urged that the doctrine of parity squarely applies to the applicant. The learned Counsel submits that the applicant has been languishing in jail since 20 July 2024, and notwithstanding the filing of the charge sheet, no charges have been framed to date. The applicant is willing to comply with any conditions that this Court may impose, including refraining from entering the territorial limits of Saswad Police Station, Pune, till the conclusion of the trial.

5. On the other hand, 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 the applicant is the mastermind of the offence and actively participated in

its commission. The applicant has criminal antecedents. The learned APP raises concerns about potential evidence tampering and witness influence, should bail be granted.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

7. A bare reading of the statement of Rahul, the injured, reveals that the applicant was not the assailant. Apart from the mere assertion of suspicion, there appears to be no cogent or independent material available on record to demonstrate the applicant's involvement in the alleged crime. Furthermore, the records do not indicate if the informant took any legal action against the applicant and the co-accused for the alleged threats issued prior to the present incident. Notably, the firearm allegedly used in the commission of the crime has been recovered from the co-accused, not the applicant. The applicant has been languishing in jail since 20 July 2024, and the co-accused, whose role is similar to that of the applicant, has been released on bail. Although the charge sheet has been filed, the charges have not yet been framed. The prosecution

intends to examine as many as seventeen witnesses, and the trial is unlikely to conclude in the near future. The prosecution's apprehensions about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions. Moreover, the applicant is ready and willing to abide by any conditions this Court imposes, including residing outside the jurisdiction of the concerned Police Station until the conclusion of the trial.

8. Having considered the totality of the circumstances, including the absence of any direct material implicating the applicant in the alleged offence, the principle of parity, the stage of the trial, the period of applicant's continued incarceration, and there being no factors that would disentitle the applicant to the relief, this Court is satisfied that the applicant has made out a case for the grant of bail. Accordingly, the following order is passed.

ORDER

(i) The applicant shall be released on bail in CR No.258 of 2024, registered at Saswad 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 tamper with the evidence or influence witnesses.

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

(iv) The applicant shall refrain from entering the territorial jurisdiction of the Saswad Police Station, Pune, until the conclusion of the trial, save and except to attend the trial proceedings.

(v) The applicant shall inform the Inspector of the concerned Police Station about his residential details and contact information and shall update him forthwith of any subsequent changes therein.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]