

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

Criminal Bail Application No. 3830 of 2025

Pranil @ Banti Mohan Kakade

Age : 32 years, Occ.: Labour,

R/at.: Zirapwadi, Taluka Phaltan,

District Satara.

(At present in Central Prison, Solapur).

... Applicant

Versus

The State of Maharashtra

(At the instance of Indapur Police Station,

C.R. No.I-273/2024)

...Respondent

Mr Ghanshyam Jadhav, for the Applicant.

Mr B B Kulkarni, APP, for Respondent / State.

PSI P M Gavade, Indapur Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 25 November 2025

P.C.:

By this application, the applicant (accused No.10) seeks bail in connection with CR No.273 of 2024, registered with Indapur Police Station, Pune, for offences punishable under Sections 302, 120B, 143, 147, 148, 149, 109 and 201 of the Indian Penal Code, Sections 3(25), 4(25), and 27 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 16 March 2024, at around 8:00 p.m., the applicant, along with the co-accused, holding grudges from a prior altercation, formed an unlawful assembly and launched an attack on the deceased Avinash. During the attack, the accused assaulted the deceased using a pistol and sickles, causing bleeding injuries and committing his murder.

3. Mr Ghansham Jadhav, 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 only allegation against the applicant is the informant's suspicion that the applicant may have invited the deceased to the spot of occurrence; however, there is no material to substantiate this claim. The motive for the alleged crime is attributed to accused Nos.1 and 2, and the applicant is not implicated as an assailant. The weapons allegedly used in the crime were recovered at the instance of the co-accused, not the applicant. Furthermore, the statements of the co-accused unequivocally assert that the conspiracy was orchestrated by accused Nos.1 to 8, with no reference to the involvement of the applicant. The learned Counsel further submits that the investigation has concluded, and the charge sheet has been duly filed before the competent Court. The

applicant has been languishing in jail since 20 March 2024 and is willing to comply with any conditions that this Court may deem appropriate, including refraining from entering the territorial jurisdiction of the Pune and Satara Districts.

4. Mr BB Kulkarni, 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. It is submitted that the applicant and the co-accused, in furtherance of their common intention, murdered the deceased. The applicant actively participated in the crime by summoning the deceased to the scene of the crime and was seen in the CCTV footage. The applicant has criminal antecedents. While the learned APP fairly concedes that the co-accused 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.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar. Upon a perusal of the records, it appears that the sole allegation levelled against the applicant pertains to his having made a telephonic call to the deceased and thereafter accompanying him to the location

where the incident transpired. Beyond this limited assertion, there is a conspicuous absence of any cogent or incriminating material on record to *prima facie* establish the applicant's active participation in the commission of the alleged offence. Significantly, the CCTV footage relied upon by the prosecution merely depicts the presence of the applicant in the company of the deceased and two other individuals, namely Raju Dhanwade and Rahul Dhanwade, at the relevant time. The footage does not depict the applicant engaging in any overt act of assault or violence. It is an admitted position that the applicant is not named as an assailant, nor is there any recovery of weapons at his instance. The weapons purportedly used in the commission of the offence were recovered pursuant to the disclosure statements of the co-accused. Moreover, the memorandum panchanamas recorded under Section 27 of the Indian Evidence Act, 1872, do not attribute any role to the applicant, nor do the co-accused implicate him in their statements.

6. It is also pertinent to note that the investigation in the present matter stands concluded and the charge sheet has already been filed before the competent Court. The applicant has been languishing in jail since 20 March 2024. It is also not in dispute that the co-accused, who is alleged to have played a more direct role in the assault, has been enlarged on bail. The

prosecution has proposed to examine as many as forty witnesses in support of its case. In such circumstances, the likelihood of an early conclusion of the trial appears remote. While the gravity of the offence is undoubtedly a relevant consideration, it cannot, in isolation, be a ground for the continued incarceration of the applicant, particularly when his complicity in the actual commission of the offence remains, at this stage, *prima facie* tenuous and unsubstantiated. 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 terms and conditions that may be imposed by this Court, including the condition of residing outside the territorial jurisdiction of Pune and Satara districts 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.273 of 2024, registered with Indapur 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 not tamper with the evidence or influence witnesses.

(iii) The applicant shall not enter the territorial jurisdiction of the Pune and Satara districts 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.]