

Shabnoor

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

**INTERIM APPLICATION NO.3648 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.414 OF 2025**

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1. Waman Devba Jadhav
2. Navnath Soma Jadhav
3. Vinod Bapu Jadhav
4. Rohidas Haribhau Jadhav
5. Bapu Ramchandra Devkate
6. Chiku Waman Jadhav
7. Pintu Waman Jadhav
8. Dattu Devba Jadhav
9. Sambhaji Harichandra Jadhav ... Applicants

V/s.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.3545 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.413 OF 2025**

Balu Vishwanath Chavan ... Applicant

V/s.
The State of Maharashtra ... Respondent

Mr. Hrishikesh Ghorpade a/w Mr. Abhijit Aher & Omkar
Tole i/b Mr. Siddharth N. Sutaria, for the applicants in
IA/3648/25 in Revn/414/2025.

Mr. Indraneel R. Bhosale, for the applicant in IA/3545/25
in Revn/413/2025.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Ramdas Jadhav, HC, Baramati Taluka Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 8, 2025

P.C.:

1. On a prima facie consideration of the record, it appears that the injured eyewitness, while deposing before the trial court, had specifically attributed distinct roles to only certain accused persons. The evidence did not indicate any clear or active participation by all the accused in the same manner. However, the Appellate Court, while recording its findings, appears to have treated the entire group of accused persons alike and has made general or omnibus observations without distinguishing the individual roles attributed by the eyewitness.

2. Such a broad and undifferentiated finding raises a serious issue as to whether the conviction of each accused was based on specific evidence against him or merely on a collective presumption of involvement. The law requires that the role and participation of each accused must be assessed independently, particularly in cases involving group assaults or offences under common intention.

3. In these circumstances, the operative portion of the judgment and the order dated 12 September 2025 sentencing the applicants appear to rest upon findings that may not have been supported by specific attribution of role. The applicants have, therefore, made out a prima facie case justifying their release on

bail, pending further consideration of the legality and propriety of the findings recorded by the Appellate Court.

4. Hence, following order is passed:

- i) The interim applications are allowed;
- ii) The applicants are directed to be released on regular bail in connection with Crime Register No.42 of 2010, registered with Baramati Police Station, for offences punishable under Sections 143, 147, 149, 323, 324, 326, 504, 506 read with of IPC, upon furnishing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each, with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicants shall report to the Baramati Police Station twice a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicants shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.

(d) The applicants shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) The applicants shall, at the time of furnishing surety, provide their current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

5. The Interim Applications are disposed of accordingly in above terms.

(AMIT BORKAR, J.)