

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3695 OF 2025**

Rahul Dinesh Kadam

....Applicant

VERSUS

The State Of Maharashtra

....Respondents

Mr. A. P. Mundargi, Senior Advocate i/b Mr. Namul Vivek Shukla,
advocate for the Applicant

Mr. P. P. Deokar APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 255 of 2023 dated 11.09.2023 registered with Aundh Police Station, District Satara, for offences punishable U/S. 302, 307, 324, 325, 143, 147, 148, 149, 427, 435, 449, 450, 120 (B), 153 (A), 295, 295 (A), 296, 297, 298 of Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. Prosecution case is, on 23/09/2023, the informant Sarfaraj Ijlahi Bagwan, lodged a report stating he has been working as a reporter for the news channel Tarun Bharat. A mosque is situated in Pusesawali village where members of the Muslim community regularly offer prayers. On 18/08/2023, one Adil Bagwan from the same village allegedly posted objectionable content on his Instagram account. In that regard, a complaint was lodged by Chinmay Shinde

at the police station and a case was registered against Adil Bagwan. Subsequently, on 29/08/2023, certain persons including Vikram Pawaskar, associated with organizations, reached to Pusesawali village. During that time, discussions were taking place among some individuals at the place of worship and properties should be attacked and the lesson should be taught. These discussions were allegedly heard by informant and his companion and representations were also submitted to government and police authorities demanding action against several individuals of the village.

3. Thereafter, on 04/09/2023, present applicant allegedly posted a status message regarding the dispute in the village on WhatsApp group and other groups resulting into escalation. The informant and some other persons approached the Superintendent of Police, Satara, and other officials seeking action against the persons spreading provocative messages. On the night of 04/09/2023, on receiving information that about 40–50 persons had gathered, the informant went there along with Ashpak Bagwan and noticed gathering of crowd and discussions were taking place about attacking members of the community. On 10/09/2023 at about 6:00 p.m., information was again received that a large crowd had gathered near Kalaai Garden. When the informant went there, he saw several persons including present applicant, along with about 40–50 persons

from nearby villages. Later in the day when the informant went to offer prayer, several members of the community were present. At approximately 9:15 p.m., present applicant and others arrived along with a mob of 50–60 persons armed with wooden sticks, stones, and iron rods. According to the informant, present applicant first assaulted Nurul Hasan (alias Shikalgar) with a wooden stick on the head. When he fell down Nitin Veer and others also assaulted him with sticks, stones and iron rods, causing severe injuries. The mob allegedly entered the premises and assaulted several persons present there. During the incident, multiple individuals including Sameer Ijlahi Bagwan, Aslam (alias Babu) and others sustained serious injuries.

4. After some time, police officers including Deputy Superintendent of Police and others arrived and attempted to control the situation. The injured persons were taken for treatment, some were shifted to Krishna Hospital, Karad. The informant further stated that during the chaos, motorcycles including his motorcycle parked outside were set on fire, which was completely burnt. Cash of about ₹20,000 kept in the vehicle was also destroyed, causing an estimated loss of ₹50,000. The informant also stated that present applicant alongwith other members of mob participated in the assault.

5. Learned senior counsel for the applicant submits that it is

the case of over implication. The informant has improvised the case substantially from general allegations to specific allegations. The other co-accused are admitted to the bail by this Court. Investigation is complete and charge-sheet is filed. Prosecution has cited inasmuch as 71 witnesses as indicated in the charge-sheet. The charge is not framed. As such, indefinite incarceration would be unjustified, warranting consideration of application.

6. *Per contra*, learned APP opposed the application submitting that the complicity of the applicant is apparent from the material on record collected by the Investigating Officer. Considering the role of the applicant and severity of the offence, applicant does not deserve to be admitted to the bail.

7. Upon considering the submissions of the learned counsel for the applicant, learned APP and perusal of the material on record, including the chargesheet and the statements of the witnesses, *prima facie*, indicates the case of over implication. Since the allegations against the present applicant have been improvised from general to specific, which warrants consideration of this application.

8. Moreover, the investigating agency has already recovered the alleged weapon and related articles. As such, nothing remains to be recovered at the instance of the present applicant.

9. Applicant is similarly situated to co-accused Sangram Mali,

who has already been enlarged on bail by this Court, vide order passed in Criminal Bail Application No. 3352 of 2025 dated 13.11.2025; therefore, the applicant is entitled to be admitted to the bail on the ground of parity.

10. Nonetheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant is effected on 11.09.2023 and since then, he is in jail.

11. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. So far as apprehension expressed by learned APP about possibility of tampering with the prosecution witnesses and repetition of the crime are concerned, it can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise discretion in favour of applicant.

12. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Rahul Dinesh Kadam, be released on bail, on furnishing PR. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand)

with one or two local solvent sureties, in the like amount, in connection with C.R. No.255 of 2023 dated 11.09.2023 registered with Aundh Police Station, District Satara, for offences punishable U/S. 302, 307, 324, 325, 143, 147, 148, 149, 427, 435, 449, 450, 120 (B), 153 (A), 295, 295 (A), 296, 297, 298 of Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

- a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
- d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned seeking cancellation of bail.

13. Needless to state that the observations rendered herein-above, are to the extent of this application and the trial Court shall not be influenced by the same.

IRESH
MASHAL

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Date:
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(SACHIN S. DESHMUKH, J.)