IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1143 OF 2026

Laxman Sakharam Ghagare .Applicant

Vs.

The State of Maharashtra .Respondent

Ms. Sana Raees Khan a/w. Mr. Suraj Mulik, Advocates, for the Applicant
Ms. Anuja S. Gotad, APP, for the Respondent – State
Mr. Utkarsh R. Pondkule i/b. Mr. Prashant Hagare, Advocates, for the Complainant

ANAND SUDHAKAR SUDAME
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Date: 2026.10.07 16:12:34 +0530

CORAM : MILIND N. JADHAV, J.

DATE : 05.10.2026

P. C.

1. Heard Ms. Khan, learned Counsel for the Applicant, Ms. Gotad, learned APP for the Respondent – State and Mr. Pondkule, learned Counsel for the Complainant.

2. This Application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**") in connection with C.R.No. 909 of 2024 registered with Daund Police Station, Pune for offences punishable under Sections 109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**").

3. The Applicant is one of the four co-accused persons in the present crime. He is arraigned as Accused No. 1. Accused Nos. 2 and 3

are already enlarged on bail. *Prima facie* reading of the FIR statement at page No. 28 & 29 when juxtaposed with the statement appended at page No. 33 shows a clear dichotomy with regard to the facts. It is *prima facie* seen that the aggressor out of the Accused persons are Accused Nos. 2 & 4. Accused No. 2 has already been granted bail, copy of order is appended to the Application. Insofar as role of Accused No. 1 is concerned, save and except the Complainant/First Informant stating that she had seen him along with the other Accused persons hitting her husband, there is nothing else which is stated on record. Merely hitting her husband cannot be construed as Applicant having used the Axe to hit her husband because of the simple reason that the Medical Certificate does not support the prosecution case. There is only one grievous injury which may have probably been caused with the weapon in question, whereas the other injuries are simple in nature, as can be seen from the record. Further, it is *prima facie* ambiguous as to who has used the weapon to inflict the blow. In that view of the matter, in view of parity been applicable, the Applicant is granted bail.

4. Hence, in view of above *prima facie* observations and finding, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – **Laxman Sakharam Ghagare** is directed to be immediately released from prison in connection with CR. No. 909 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P. R. Bond of Rs.30,000/- (Rs. Thirty Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Daund Police Station, Pune, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall co-operate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not enter the jurisdiction of Daund Police Station, Pune except for attending the trial;

(vii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(viii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(ix) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

5. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

6. Bail Application is allowed and disposed in the above terms.

(MILIND N. JADHAV, J.)