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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1515 OF 2026

Munna @ Shaeblal Rajabaksar Itad, .. Applicant

Versus

State of Maharashtra .. Respondent

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- Sr. Adv. Mr. Ashok Mundargi a/w Mr. Hrishikesh Ghorpade a/w Siddharth Sutaria a/w Pravadha Raut a/w Omkar Desai, for the Applicant.
- Mr. Sukanta Karmakar, APP for the Respondent - State.
- Mr. Kadam, PSI Indapur Police Station, Pune.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Ashok Mundargi, learned Senior Advocate for Applicant and Mr. Sukanta Karmakar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.273 of 2024 registered with Indapur Police Station, Pune for offences punishable under Sections 302, 120(B), 143, 147, 148, 149, 109 and 201 of the Indian Penal Code, 1860, under Sections 3(25), 4(25)(27) of the Arms Act, 1959 and under Section 135 of the Maharashtra Police Act, 1951.

3. The Applicant is arrayed as Accused No. 12 in the present

crime, and the role attributed to the Applicant, as per the prosecution case, the FIR and the subsequent statements recorded, is that he was instrumental in firing from a firearm in his possession.

4. The learned Prosecutor has vehemently argued that this, in itself, shows that the Applicant was present at the scene of the crime and, therefore, his participation in the crime and conspiracy cannot be ruled out at all.

5. After perusing the record, it is prima facie seen that the Applicant has not been named in the FIR. However, his name is reflected seven days after the first informant has reviewed the CCTV footage and thereafter named the Applicant in his supplementary statement.

6. There are four eyewitnesses to the crime who have recorded their statements, three of whom do not identify the Applicant as having been present at the scene of the crime. However, only one of the eyewitness identifies the Applicant's presence, but that too on the basis of a TIP conducted two months after the incident in question, on 15 May 2024.

7. It is also prima facie seen that the name of the Applicant surfaces in the Section 27 statement of the co-accused person, which reflects the presence of the Applicant at the scene of the crime.

8. At this prima facie threshold stage, one of the clinching piece of incriminating material argued before Court is that the ballistic report states that the firearm wounds suffered by the victim cannot be caused by the firearm alleged to have been used by the present Applicant. It is also seen that the gun was never recovered from the Applicant, but was recovered from another co-accused person, who has in his statement reocrded that the said gun was used by Applicant in the incident in question.

9. Considering the aforesaid dichotomy, the delay and the inconsistency with regard to the identification of the Applicant, as also the ballistic report, notwithstanding the fact that the learned Prosecutor has vehemently argued that presence of Applicant cannot be ruled out, I am inclined to consider the case of the Applicant for grant of bail in view of his incarceration since 28 March 2024 in prison and to release the Applicant on bail.

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

(i) Applicant is directed to be immediately released from prison in connection with CR.No.273 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-Five

Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, 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 cooperate 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 influence any of the witnesses or tamper with the evidence in any manner;

(vii) 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

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

11. 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.

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

[MILIND N. JADHAV, J.]