N.S.Kamble

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4768 OF 2025

Vijay Munjaji Gejage … Applicant

Versus

The State of Maharashtra … Respondent

NILAM SANTOSH KAMBLE
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Date: 2026.01.16 10:57:48 +0530

Mr.Harshwardhan Pawar, for the Applicant.
Ms.R.D. Humane, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th JANUARY, 2026

P.C. :

. By this application, the applicant seeks bail in connection with CR No.516 of 2024, registered at Warje-Malwadi Police Station, Pune, for offences punishable under Sections 109, 115(2), 352, 189(2), 189(4), 191(2), 191(3), and 190 of the Bharatiya Nyaya Sanhita, 2023; Section 4 and 25 of the Arms Act, 1959; Section 7 of the Criminal Law Amendment Act; and Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 24 December 2024,

harbouring a grudge arising out of an old dispute, co-accused Yash, along with unknown assailants, formed an unlawful assembly and launched an attack on Raju, the informant's son, by means of sickles, fists, and kicks, thereby causing bleeding injuries. During the course of the investigation, it was revealed that the applicant assaulted the injured using a sickle.

3. Mr Harshawardhan Pawar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. It is submitted that, although the applicant was not named in the FIR, he was arrested on the same day the FIR was lodged. The witnesses, however, do not implicate the applicant in any manner, and the motive for the alleged crime is ascribed to the co-accused, Yash. The learned Counsel highlights that the statement of Raju, the injured party, was recorded only subsequent to the applicant's arrest. The weapons purportedly used in the commission of the offence were recovered from an open area, at the instance of the co-accused, and not from the applicant. Additionally, it is submitted that the injury certificate does not align with the allegations set out in the FIR, and that MCOCA and other

serious offences have been registered against the injured. The learned Counsel further submits that the applicant is willing to comply with any conditions this Court may deem fit to impose, including residing outside the jurisdiction of the concerned Police Station for the duration of the trial.

4. On the other hand, Ms.R.D. Humane, the learned Additional Public Prosecutor representing the respondent/State, opposes the applicant's request for bail, citing the gravity and seriousness of the offence. He submits that a specific role has been attributed to the applicant, demonstrating his active participation in the crime. The applicant, along with the co-accused, formed an unlawful assembly and, in a brazen act of violence, launched a brutal attack on the injured, targeting vital parts of the body and causing bleeding injuries. The learned APP expresses apprehensions that, if the Applicant is released on bail, the Applicant may tamper with evidence and influence prosecution witnesses.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. Upon perusing the records, it appears that the alleged

incident occurred on the night of 24 December 2024, and the crime was reported in the early hours of 25 December 2024. The statements of Vishwavijay, Aniket, and Digambar were recorded on 26 December 2024, whereas the statement of Ganesh and Tukaram was recorded on 30 December 2024 and 8 January 2025, respectively. Notably, the informant and these witnesses do not implicate the applicant in any manner whatsoever. The memorandum panchanama of co-accused Yash, at whose instance the weapons allegedly used in the commission of the offence were recovered, was recorded on 27 December 2024. It is pertinent to note that the present applicant was arrested in the late hours of 25 December 2024, when there existed no incriminating material against him. The material available on record reveals that the applicant was implicated based on the statement of the injured, which was recorded much after his arrest on 1 January 2025. Significantly, the allegations in the FIR do not align with the injury certificate, and there is no FSL report qua the blood-stained weapons. Furthermore, no Test Identification Parade has been conducted till the date. The applicant has been languishing in jail since 25 December 2024, and despite the filing of the charge sheet, there has been no substantial progress in the

trial proceedings. The prosecution's apprehensions about potential evidence tampering of evidence and witness influence can be addressed by imposing appropriate conditions. Moreover, the learned Counsel for the applicant submits that the applicant is willing to comply with any conditions this Court imposes, including residing outside the jurisdiction of the concerned Police Station until the conclusion of the trial.

7. In light of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.516 of 2024, registered at Warje-Malwadi 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 regularly attend and cooperate with the trial proceedings for the expeditious disposal of

the case.

(iv) The applicant shall refrain from entering the territorial limits of Warje- Malwadi Police Station, Pune, until the conclusion of the trial, save and except to attend the trial proceedings.

(v) The applicant shall inform the Inspector of the concerned Police Station of his residential and contact information and update him forthwith of any changes therein.

8. The application stands disposed of accordingly.

(SHIVKUMAR DIGE, J.)