

Shubhada S Kadam

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

BAIL APPLICATION NO. 4755 of 2024

Avinash Alias Sunni Rampratap Gupta

... Applicant/s

Versus

The State of Maharashtra

... Respondent/s

Mr. Niranjan Bhavake along with Mr. Sushant Tayade, Mr. Dinesh Jadhav, Mr. Tejas Kamble, Ms. Drishti Madhani, Mr. Anurag R. and Ms. Vaishnavi Choge i/b. Mr. Sushant Tayade, Advocate for the Applicant/s.

Mr. Prashant P. Jadhav, APP for Respondent-State.

API-S.B.Patil, Warje Malwadi Police Staton, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 374 of 2022 registered with Warje Malwadi Police Station, District Pune, for the offences punishable under Sections 307, 120B, 143, 144, 147, 148, 149, 506(2) of the Indian Penal Code 1860, Section 4(25) of the Arms Act, Section 37(1)(3), 135 of the Maharashtra Police Act, Section 7 of Criminal Amendment Act and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 4th October 2022, around 10:30 p.m., the applicant and co-accused assaulted the brother of the first

SHUBHADA
SHANKAR
KADAM
Digitally
signed by
SHUBHADA
SHANKAR
KADAM
Date:
2026.01.13
18:19:41
+0530

Shubhada S Kadam

informant with a sharp weapon, with the intention to kill him, on the ground of an old dispute.

3. It is contention of the learned counsel for the applicant that the applicant is behind bar for more than three years, yet the charge is not framed. The co-accused, against whom similar allegations are made, is released on bail, and, therefore, the applicant is entitled to bail on the ground of parity. Hence, requested to allow the application.

4. It is contention of the learned APP that the applicant has 8 antecedents. The applicant has assaulted the injured with the intention to kill him. If the applicant is released on bail, he may threaten the first informant and prosecution witnesses, and therefore, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet, and documents produced on record. The applicant is behind bar for more than three years, yet the charge is not framed. The co-accused, against whom similar allegations are made, is released on bail. Considering these facts, the applicant is entitled to bail on the ground of parity. Hence, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No. 374 of 2022 registered with Warje Malwadi Police Station, District Pune, on

Shubhada S Kadam

executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant shall not enter Pune City till recording of evidence of injured witnesses.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)