

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1258 OF 2025

Prashant Chagan Gore

...Appellant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr Vivek Arote, with Akshay Dingale, for the Appellant.

Mr HJ Dedhia, APP, for Respondent No. 1-State.

Mr Rupesh Zade, for Respondent No. 2.

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CORAM: R. M. JOSHI, J.

DATED: 6th FEBRUARY, 2026

PC:-

1. This Appeal takes exception to the order dated 8th October 2025 passed below Exhibit-17 in Special Case No. 35 of 2025, whereby the Application for regular bail filed by the Appellant came to be dismissed.

2. It is not in dispute that the Appellant/original Accused No.4, Prashant Gore was arrested in connection with Crime No. 852 f 2024 for the offence punishable under Section 103(1), 3(5) and 61(2) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s) and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity Act) registered with Baramati City Police Station. It is the case of the prosecution that the informant Abhishek is brother of deceased Aniket. He lodged report against the accused persons on 20th December 2024 stating that on the day before Ganesh immersion, there was a quarrel between the

accused, Nandkishor and deceased Aniket. On 19th December 2024, at about 10:30 pm he received a phone call on his cousin Rohit informing that some one has beaten his brother Aniket. When he rushed to the spot, he found Aniket lying in the pool blood on the road. An eye witness who was present at the spot informed about Aniket being assaulted by Nandkishor, Mahesh and Sangram. On the basis of this information, crime came to be registered. During the course of investigation, it was found that the present Appellant has played role in the crime and, therefore, he came to be arrested. On completion of investigation, charge-sheet was filed. It is thereafter that he moved an application vide Exhibit-17 for enlargement on bail, which is rejected. Hence, this Appeal.

3. Learned counsel for the Appellant submits that the Appellant is not named in the First Information Report nor any role has been alleged against him of committing any assault on the deceased. It is his submission that the learned Special Court has committed error in not considering the fact that except for alleged statement of co-accused made to the police, which is not admissible in law, there is absolutely no evidence to connect the Appellant with this crime. It is argued that Appellant has no criminal history behind him and is not likely to flee.

4. Learned APP and learned counsel for Respondent No. 2 opposed the Appeal citing seriousness of the crime.

5. Prima facie perusal of the charge-sheet indicates that in the First Information Report, name of the Appellant not being shown

as one of the assailants. Apart from this, there is no other evidence to connect the Appellant with this crime. He has been made accused only on the basis of statements allegedly made by the co-accused to the police wherein it is claimed that the present Appellant has provided the weapon for causing assault on the deceased. This Court finds substance in submissions made by learned counsel for the Appellant with regard to non-admissibility of statement of accused to police. Suffice it to say that *prima facie* for want of any evidence to connect the Appellant in this crime, he deserves bail. He has no criminal history. He is not likely to flee from justice. Imposition of appropriate conditions would meet interest of prosecution.

6. In view of the above, the following order is passed.

ORDER

- (a) Appeal stands allowed.
- (b) Interim order dated 8th October 2025 is set aside.
- (c) The Appellant be enlarged on bail on furnishing PR Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- (d) Appellant is directed not to interfere into the evidence of the prosecution in any manner whatsoever.

(R. M. JOSHI, J.)