

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

CRIMINAL BAIL APPLICATION NO. 600 OF 2025

Sujal Sanjay Kadam.

... Applicant.

Vs.

The State of Maharashtra and Anr.

... Respondents.

Mr. Satyavrat Joshi i/b Mr. Ishan Paradkar for the Applicant.

Ms. Megha Bajoria, APP for the Respondent-State.

Ms. Shital Anuse, PSI, Alankar Police Station, Pune city is present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th MARCH, 2026.

P. C. :-

. Applicant-accused in C.R. No. 29 of 2023 registered with Alankar Police Station, Pune under Sections 302, 307, 120(B) read with 34 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1)(3) read with 135 of the Maharashtra Police Act, is seeking his release on bail.

2) Heard Mr. Joshi, the learned Counsel for the Applicant and Ms. Bajoria for the Respondent-State. Perused the entire record.

3) The prosecution story is that, Accused No.1, Applicant, Abhishek Jadhav, Tanmay Itkar, Piyush Jadhav and two juvenile hatched a criminal conspiracy to commit murder of one Nandu Jadhav. On 23rd February 2023, at about 11.30 hours, deceased Nandu and two others were present near PNG shop, Kothrud, Pune. At that time, Accused No.1,

Applicant and said two juveniles came there riding on two motorcycles. Accused No.1 and the Applicant were armed with *Koyta*. They attacked Nandu, who started running away on seeing them. However, Accused No.1 and Applicant chased Nandu and caught him in the lane near the PNG shop and assaulted him by means of *Koyta*. The Applicant also struck Nandu on the head with a cement block. The Applicant came to be arrested on 26th February 2023. Investigation culminated in the filing of charge-sheet. Thereafter, the Applicant preferred an Application seeking grant of bail. The trial Court rejected that Application *vide* Order dated 14th October 2024.

4) Mr. Joshi, learned counsel for the Applicant, submitted that though the prosecution alleges that the Applicant was armed with a *Koyta*, the panchnama of the CCTV footage does not record the said fact. There is inconsistency in the prosecution evidence regarding the allegation that the Applicant struck Nandu on the head with a cement block. One of the eye-witnesses has claimed that the Applicant was armed with a *Koyta*. The Applicant was unknown to the said witness; yet, the witness was not subjected to a TIP. Therefore, it cannot be said that the Applicant had participated in the assault on Nandu. The co-accused, who were not directly involved in the assault, have already been released on bail by the trial Court. The Applicant has been in jail for a period of more than three years. As of date, the charge has not been framed against the accused persons, and the trial is likely to take considerable time to conclude. Therefore, this is a fit case to release the Applicant on bail rather than continuing his incarceration as a pre-trial punishment.

5) In reply, Ms. Bajoria, the learned APP submitted that there is sufficient material on record to indicate that the Applicant, along with Accused No.1, had assaulted Nandu with deadly weapons. Nandu had

sustained multiple injuries, which suggest that he was subjected to a brutal assault. Thus, a *prima facie* case of a serious offence is made out against the Applicant. Learned APP further pointed out that, in the past, a case under Section 302 of the I.P.C. had been registered against the Applicant at the same police station when he was a juvenile. It was also contended that the two co-accused, who have been granted bail by the Sessions Court, are not attending the proceedings in the said case and, therefore, non-bailable warrants have been issued against them. In these circumstances, the ground of long incarceration is not available to the Applicant.

6) I have considered the rival submissions and carefully perused the record. The material on record indicates that at the time of the incident, Nandu was present in front of the PNG shop. The Applicant, along with Accused No.1 and two juveniles, came there on motorcycles. Accused No.1 and the Applicant rushed towards Nandu. Upon seeing them, Nandu attempted to escape; however, they chased him, and caught him in a lane near the PNG shop and assaulted him with a Koyta. The inconsistency pointed out by Mr. Joshi is not sufficient, at this stage, to ignore the material indicating that Accused No.1 and the Applicant together chased Nandu and participated in the assault. The record does not indicate that the Applicant made any attempt to prevent Accused No.1 from assaulting Nandu. As recorded in the post-mortem report, Nandu had sustained more than 20 external injuries. A majority of the injuries were incised and chop wounds. This indicates the involvement of Accused No.1 and the Applicant in the said assault. Thus, there is a *prima facie* case that the Applicant alongwith accused No.1 committed murder of Nandu by hatching a criminal conspiracy and in furtherance of the common intention of other accused and juveniles. The offence is of serious nature.

7) Certain co-accused have been granted bail, however, the ground of parity is not available to the Applicant as his role is altogether different than that of the co-accused. Moreover, it is brought on record that the co-accused who have been released on bail are not cooperating with the trial.

8) In the wake of above, the Applicant is not entitled to be released on bail. As a result, the Application is rejected and disposed of.

(SHYAM C. CHANDAK, J.)