

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3825 OF 2025**

Abhijeet Ganesh Kadu

....Applicant

Versus

The State Of Maharashtra

....Respondent

Ms. Pooja Agarwal, Advocate for Applicant.

Mr. Balraj B. Kulkarni, APP for Respondent-State.

PSI- Mr. Ismail Shaikh, Parvati Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 75 of 2019 registered with Dattawadi Police Station, District Pune, for the offences punishable under Sections 302, 307, 324, 201, 120-B, 143, 147, 148 and 149 of the Indian Penal Code 1860, Sections 3 and 4(25) of the Arms Act, Section 135, 37(1), 142 of the Maharashtra Police Act, Section 7 of Criminal Law Amendment Act and 3 (1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 13th January 2019, the applicant and co-accused assaulted the first informant, his friends and the deceased with sickles and sharp weapons, and murdered the deceased on the ground of gang rivalry.

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3. It is contention of the learned counsel for the applicant that the applicant is behind bars for more than seven years, and only one witness has been examined. It may take time to conclude the trial. The learned counsel further submitted that there are no specific allegations against the applicant. The eyewitness, in his statement, under Section 164 of the Code of Criminal Procedure, 1973 has not attributed any role to the applicant in assaulting the deceased. This Court has released other accused on bail, and therefore, the applicant is entitled to bail on the principle of parity. Hence, requested to allow the application. Learned counsel for the applicant relied on :

1. *Sagar Tatyaram Gorkhe and anr. versus The State of Maharashtra in Criminal Appeal No.11 of 2017(Order dated 3rd January 2017).*
2. *Aadya Prasad Tiwari versus The State of Uttar Pradesh and anr. (Criminal Appeal No.195 of 2026, Order dated 12th January 2026.*
3. *Javed Gulam Nabi Shaikh versus State of Maharashtra and anr. (Criminal Appeal No.2787 of 2024, Order dated 3rd July, 2024.*
4. It is contention of learned APP that the applicant has antecedents. The deceased was brutally murdered in broad daylight by the applicant and co-accused by assaulting him with a sickle, and the first informant was also injured. There are specific allegations against the applicant of assaulting the deceased. If the applicant is released on bail, he

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may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard all the learned counsel, perused charge sheet and documents produced on record. In the FIR filed by Nilesh Kadam, who was present at the time of the incident, has specifically stated that the applicant was present and he had taken out sickle and assaulted the deceased-Nilesh Wadkar. Thus, there is direct evidence against the applicant assaulting the deceased with sickle.

6. Though it is contention of learned counsel for the applicant that the applicant is behind bars for more than seven years, the punishment for the offences applicable against is life imprisonment or capital punishment. One of the reason for delay in trial is non-cooperation of the co-accused, therefore, prosecution alone cannot be blamed for the delay. It is observed that in many cases the accused prolong the trial only to take the ground of long incarceration. As there is direct evidence against the applicant of assaulting the deceased with a sickle, hence, I am not inclined to allow the application.

7. I have gone through the case laws cited by the learned counsel for the applicants. The facts of the cited cases and the present case are difference and not applicable to the present case.

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8. In view of above, I pass following order:

ORDER

(i) The application stands rejected.

(SHIVKUMAR DIGE, J.)