

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3834 OF 2025

Abhijit Ram Kadam

....Applicant

VERSUS

The State Of Maharashtra

....Respondent

Ms. Shubhangi Parulekar along with Vrunda Surve, Advocate for Applicant
Mr. Balraj B. Kulkarni, APP for Respondent-State.
PSI- Mr. Ismail Shaik, 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 learned counsel for the applicant that the name of the applicant is not mentioned in the FIR. The applicant is behind bars for more than seven years. Charges were framed in 2023, yet only one witness has been examined. The applicant has no criminal antecedents. The provisions of Maharashtra Control of Organised Crime Act would not be applicable to the applicant. 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.

4. It is contention of the 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 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 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 statement of witness – Amol Kadam, he has stated before the police that he had seen the applicant assaulting the deceased with a sickle. Thus, there is direct evidence against the applicant assaulting the deceased with sickle

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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 applicant is life imprisonment or capital punishment. The trial is delayed due to the non-cooperation of the co-accused, and therefore the prosecution 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. Considering these facts, I pass the following order.

ORDER

(i) The application stands rejected.

(SHIVKUMAR DIGE, J.)