

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

CRIMINAL BAIL APPLICATION NO. 4588 OF 2025

Gautam Shahajirao Kakade

...Applicant

VERSUS

The State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO. 4801 OF 2025**

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Sr. Adv. Mr. Abad Ponda, a/w Mr. Ranjeet M. Pawar, Mr. Bhargav Pataskar, Mr. Atharva Galinde, Advocate for the Applicant.

Smt. Mankuwar M. Deshmukh, PP with V. N. Sagare, A.P.P. for the Respondent – State.

Mr. Kuldeep Patil, a/w Mr. Shailesh Chavan, Mr. Hrishikesh Avhad, Ms. Sanika Joshi, Mr. Sachin Pawar, Advocate for the Intervener.

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CORAM : N. R. BORKAR, J.
DATE : 08.01.2026.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 283 of 2024 registered at Wadgaon Nimbalkar Police Station, Dist-Pune for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 352, 504, 506 and

201 of the Indian Penal Code and under Section 3, 25, 29, & 30 of the Arms Act.

3. According to the prosecution, on the date of incident, which took place on 27.06.2024, an altercation took place between the deceased and the present applicant. The cause for the said altercation was non-payment of certain amount towards sale of bullock by the deceased to the applicant. The deceased was asking the applicant to pay remaining amount, or else he would take back his bullock. It is alleged that the applicant got annoyed and called the other co-accused. It is alleged that one of the co-accused came with a pistol and fired at the deceased. The bullet hit the head of the deceased. It is alleged that the deceased died due to firearm injury.

4. I have heard the learned senior counsel for the applicant, the learned PP for the respondent/State and the learned counsel for the first informant.

5. The learned senior counsel for the applicant submits that the applicant had no knowledge that the co-accused was carrying pistol. It is submitted that all of sudden the said co-accused took out the pistol and he

fired at the deceased. It is submitted that even otherwise the incident was not premeditated. The learned senior counsel has drawn my attention to the order passed by this Court dated 23.01.2025 in Criminal Bail Application No. 5079 of 2024. By the said order, the applicant was permitted to withdraw his earlier bail application with liberty to file fresh bail application after nine months. The learned senior counsel for the applicant submits that the applicant is in jail for more than one and half years and the trial is still at the stage of framing of charge and thus trial is not likely to be concluded in near future. It is submitted that the applicant was not produced before the trial Court on at least 35 dates.

6. On the other hand, the learned PP for the Respondent/State and the learned counsel for the first informant submit that the case is based on direct evidence. It is submitted that the present applicant is instrumental for the crime in question, as he called the other co-accused. It is submitted that, considering the nature of crime, the applicant may not be released on bail and the trial be expedited.

7. I have perused the First Information Report and

the statement of eye witnesses. It appears from the statement of eye witnesses that during altercation the present applicant had threatened the deceased that he would see how he takes back the bullock and then called the other co-accused. The said threat would prima-facie show that the co-accused were called to assault the deceased. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. The application is rejected. However, the trial Court shall endeavour to conclude the trial as early as possible.

8. The interim application stands disposed of.

(N. R. BORKAR, J.)