

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 353 OF 2026**

Avinash Samhaji Nalawade

....Applicant

VERSUS

The State Of Maharashtra and anr.

....Respondents

Mr. Premkumar Mishra, Advocate for Applicant (Through VC).

Mr. Prashant P. Jadhav, APP for Respondent-State.

Mr. D. A. Jagdale, Wakad Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 925 of 2024 registered with Wakad Police Station, District Pune, for the offences punishable under Sections 109, 115(2), 352 of 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4(25) of Indian Arms Act, Section 37(1), 37(3) and 135 of the Maharashtra Police Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 23rd August 2024, the applicant and co-accused assaulted the first informant and his friend with a sickle with the intention to kill them on the ground of an old dispute.

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3. It is contention of learned counsel for the applicant that the applicant is behind bars for more than one year and six months, yet charge has not been framed. In the statement recorded under Section 164 of the Cr.PC., the allegations of assault are against the co-accused. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is contention of learned APP that there are six antecedents against the applicant. The provisions of MCOCA are applicable against the applicant. The statement under Section 18 of co-accused is recorded, wherein the role of the applicant is specifically mentioned. In the attack by the applicant, the first informant has sustained serious injuries. Hence, requested to reject the application.

5. I have heard both counsel, perused charge sheet and documents produced on record. The applicant is behind bars for more than one year and six months. The investigation is complete, yet charge has not been framed. It may take time to conclude the trial. In statement under Section 164 of the Cr.PC., the first informant has stated that the assault was done by the co-accused and not by the applicant. To prove the case against the applicant, evidence is required. Considering these facts, I pass following order:

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ORDER

- (i) The applicant be enlarged on bail in Crime No. 925 of 2024 registered with Wakad Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall not enter into the jurisdiction of Wakad Police Station till recording of evidence of the first informant.
- (iii) The applicant shall attend the concerned police station as and when required.
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)