



Criminal Bail Application No. 2933/2026

Rakesh Vikas Jadhav Vs State Of Maharashtra (Kothrud Police Station).

A. CASE DETAILS

- | | |
|---------------------------------------|---|
| 1. FIR Number and Date | CR No. 167/2009
dated 26/05/2009 |
| 2. Police Station, District and State | Kothrud Police Station,
Pune. |
| 3. Sections invoked | U/s. 326, 34 of Indian
Penal Code, 1860. |
| 4. Maximum punishment prescribed | Imprisonment upto 10
years, and is also liable to
a mandatory fine. |

B. CUSTODY AND PROCEDURAL COMPLIANCE

- | | | |
|---|-----------------------------------|----|
| 1 | Date of arrest | NA |
| 2 | Total period of custody undergone | NA |

C. STATUS OF TRIAL

- | | | |
|----|---|---|
| 1. | Stage of proceedings | The present case status is |
| | (investigation/charge-sheet/cognizance/framing of charge/trial) | disposed of and the date of decision was 28.07.2025.(investigation is completed and charge-sheet against other 3 accused was filed on |

19/11/2009. The evidence start on 04/09/2023. The date of final argument was 28/07/2025. The date of decision 28/07/2025.

2. Total No of witnesses cited in the charge-sheet As per the charge sheet (9 to 10 witnesses).
3. Number of prosecution witness examined Total witness examined by prosecution are -2,
1. Namdev Narayan Kunjir.
2. Arvind Shivajirav Chavan.

D. CRIMINAL ANTECEDENTS

- 1 FIR No. and Police Station Crime No. 373/2005 at Hadapsar Police Station.
- 2 Sections U/s. 302, 34 of Indian Penal Code, 1860.
- 3 Status (pending/acquitted/convicted). On dated 03/10/2022 released after complete the conviction period.

E. PREVIOUS BAIL APPLICATIONS

- 1 Court NA
- 2 Case No. NA
- 3 Outcomes of Case NA

F. COERCIVE PROCESSES

- 1 Whether any non-bailable warrant was NA issued
- 2 Whether declared a proclaimed NA offender

Appearance:-

Ld. Advocate Shri. D. D. Desai, for Applicant/ Accused.
Ld. APP Shri. Anilkumar Varma, for the state.

ORDER BELOW EXH. 1
(Date :- 12/08/2026)

By this application u/S.482 of the BNSS, 2023, the applicant- **Rakesh Vikas Jadhav** has applied for Bail in connection with C.R. No. 167/2009 registered with Kothrud Police Station, Pune for the offences punishable under Sections 326 r/w. 34 of Indian Penal Code, 1860.

2. The Investigating officer through learned APP for the State has filed his say opposed the bail application.

3. I have perused the record and heard the learned Advocate for the Applicant / Accused and learned APP for the State.

4. The learned counsel for the applicant/accused submitted that the applicant is falsely implicated in the said

crime, he was undergoing his sentence in another crime after convicting him by the court concerned. According to the ld. Advocate the applicant was in the custody till 2022 and therefore, the alleged involvement of this applicant in the present crime is false, baseless and in probable. The ld. Advocate further submitted that custodial interrogation of the applicant is not required as the trial against co-accused has already been culminated into their acquittal and nothing is to be seized or recovered from the present applicant. Hence, the ld. Advocate submitted that the application may be allowed.

5. *Per contra*, the learned APP for the State submitted that the name of this applicant was revealed during the course of investigation of the instant crime as the applicant's accomplice has disclosed his name during the custodial interrogation. He further submitted that when the applicant was on parole, he committed the serious crime. He further submitted that the applicant is habitual offender and as the crime weapon (Sattur), used by this applicant is to be recovered from him, his custodial interrogation is necessary. Hence, he prayed for rejection of the application.

6. Perused the record. Heard both sides.

7. As per the allegations in the FIR, on 26.05.2009 at

about 11:00 hours, in front of Saket Apartment, 100 ft D.P. Road, Karvenagar, Pune, two unknown individuals, in furtherance of their common intention, allegedly caused grievous hurt to the informant with crime weapons i.e. an iron pipe and sickle.

8. On perusal of the record, it prima facie appears that the name of the applicant surfaced during the interrogation of the co-accused. Pursuant thereto, a memorandum under Section 27 of the Indian Evidence Act, 1872 was recorded, attributing the use of a sattur in the commission of the alleged offence to the applicant. The injury certificate and other medical papers on record prima facie indicate assault on the informant's right elbow, right foot and right forearm with a sharp weapon.

9. Perusal of the case diary reveals that although copies of the order dated passed by the Hon'ble Bombay High Court in Writ Petition No. 4466/2012 were available, the investigating agency has made no reference to the same in its reply for the reasons best known to them. It is not in dispute that at the relevant time the applicant was undergoing sentence at Yerwada Central Prison and was in custody in another crime registered with the very same police station. In the present crime i.e. C.R. No.167/2009, the applicant was

shown as an absconding accused. However, no steps appear to be taken by the investigating agency to procure the applicant's custody in the present crime by resorting to due legal process. From 2009 to 2022, the applicant appears to have remained in Yerwada Jail.

10. As per the prosecution case, the involvement of the applicant came to light solely through the disclosure of the co-accused under Section 27 of the Evidence Act. In this factual backdrop, and considering the lapse on the part of the investigating officer in not seeking the applicant's custody through lawful means, and further considering that the applicant has now approached this Court seeking anticipatory bail which is being opposed by the State, and that the learned trial court has already acquitted the co-accused after a full-fledged trial, the necessity of custodial interrogation of the applicant does not arise. The purpose of investigation can be sufficiently served by directing the applicant to appear before the investigating officer and to co-operate with the investigation.

11. In view of the above, I deem it fit to exercise discretion in favour of the applicant and to grant him anticipatory bail. Hence, the following order is passed:

ORDER

1. Application (Exh.1) is allowed.
2. In the event of arrest, the Applicant- **Rakesh Vikas Jadhav** be released on anticipatory bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount in connection with C.R. No.167 of 2009 registered with Kothrud Police Station, Pune for the offences punishable under Sections 326 r/w. 34 of Indian Penal Code, 1860, on following conditions:
 - (a) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel;
 - (b) The Applicant shall not tamper with or attempt to influence or contact the prosecution witnesses or any person concerned with the case;
 - (c) The Applicant shall attend the Police Station concerned on every month's 10th day between 11:00 a.m. and 02:00 p.m. until further order from the court concerned or for a further period of 3 months from his first appearance, whichever shall expires first.

(d) The Applicant shall furnish his mobile phone number/s and residential as well as business/workplace address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(e) The Applicant shall not repeat or commit any crime while on bail;

3 Inform the Police Station concern and the informant by sending a copy of this order.

4 In terms of above, Application (Exh.1) stands disposed.

5. Case diary is returned to the learned APP.

6. Humdast is allowed, if applied.

(Dictated and pronounced in open court)

Date: 12/08/2026

(S. B. Bhansali)
Additional Sessions Judge, Pune.

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- V. A. Chaudhari (Steno, Grade-I)

Court Name :- S. B. Bhansali
D.J.-4 & Addl. Sessions Judge, Pune.

Date :-12/08/2026
order signed by P.O. on :- 12/08/2026
order uploaded on :- 12/08/2026