

MHST190006052025



IN THE COURT OF ADDITIONAL SESSIONS
JUDGE, WAI
CRIMINAL BAIL APPLICATION NO. 202 OF 2025

Rohan Sunil Gujar

Age- 28 years, Occ. Business,
Resident at Shirval Bajar Peth,
Shirwal, Tq. Khandala, Dist.- Satara.

... Applicant

..Versus..

State of Maharashtra

(through APP. Wai,
PI. Police Station, Shirwal.)

... Non-applicant

**Structured framework as per Order of the Hon'ble Supreme Court of
India in Cr. Appeal No.825 of 2026 Arising out of SLP (Cri.) No.12669
of 2025) in Zeba Khan Vs. State of U.P**

[A] CASE DETAILS

- FIR No.: : 322/2025
- Police Station, District and State: : Shirwal, District Satara,
Maharashtra.
- Sections invoked : 109, 3(5), 61(2) & 238 of
Bhartiya Nyaya Sanhita, 2023 &
under Section 3 read with
Section 25 of Arms Act.
- Maximum punishment : Imprisonment for ten years
prescribed with fine.

[B] CUSTODY & PROCEDURAL COMPLIANCE

- Date of Arrest : 17.09.2025

- Total period of custody : 5 Months 22 Days undergone

[C] STATUS OF TRIAL

- Stage of proceedings : Chargesheet
(Investigation/Chargesheet/
Cognizance/Framing of
Charges/Trial)
- Total number of witnesses cited : --
in the chargesheet
- Number of prosecution witnesses : --
examined

[D] CRIMINAL ANTECEDENTS

- FIR No. & Police Station : NA
- Sections : NA
- Status : NA
(Pending/Acquitted/Convicted)

[E] PREVIOUS BAIL APPLICATIONS

- Court : First Bail Application
- Case No. : --
- Outcome of case : --

[F] COERCIVE PROCESSES

- Whether any Non-Bailable : NA
Warrant was issued
- Whether declared a proclaimed : NA
offender

ORDER BELOW EXH.1

(Passed on this 11.03.2026)

1] The applicant/accused Rohan Sunil Gujar has filed this application under Section 483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in Crime No. 322/2025 registered with Shirval Police Station for the offences punishable under Sections 109, 3(5), 61(2) & 238 of Bhartiya Nyaya Sanhita, 2023 & under Section 3 read with Section 25 of Arms Act.

2] It is contended that the applicant/accused has been put under arrest on 17.09.2025 in the aforesaid crime. The informant is a prime accused in Sessions Case No.37/2024 registered for the offences punishable under Sections 302, 324, 143, 147, 148, 149 of Indian Penal Code. The accused Avinash Popat More and Rocky Bala are the main witnesses in Session Case No.37/2024. To take advantage in the said sessions matter, the applicant accused has been falsely involved in this crime. No specific role is attributed to the applicant accused. The ingredients of offence punishable under Section 109 of BNS are not made out. Nothing is on record to suggest the involvement of the applicant accused in the aforesaid crime. The applicant accused has no nexus with the alleged offence and he has been falsely implicated in concocted crime. He is ready to obey conditions of bail which would be imposed. The co-accused no.4 is already enlarged on bail in Criminal Bail Application No.161/2025. So, ground of parity is available to the applicant accused. Hence, this application.

3] The Investigating Officer filed reply vide **Exh.15** and the informant has filed reply vide **Exh.17** and resisted this application by

contending that the offence is of serious in nature. The applicant/accused was in contact of other accused and he kept watch on the informant. The presence of the applicant/accused is seen at the spot of incident in C.C.T.V. footage. The applicant/accused has criminal antecedent. He was an accused in C.R.No.204/2023 registered with Shirwal Police Station. The applicant/accused and his associates hatched criminal conspiracy and committed the offence of attempt to commit murder. If the applicant accused is enlarged on bail, then there is danger to the life of the informant, possibility of tampering in the prosecution evidence and also there is possibility of absconding by the applicant/accused. So, urged to reject the application.

4] The de-facto complainant/victim resisted this application by contending that applicant/accused and co-accused hatched criminal conspiracy to commit murder of the informant. He is habitual criminal. C.R.No.204/2023 is registered against him in Shirwal Police Station for the offence of unlawful assembly, rioting and voluntarily causing hurt by dangerous weapon. If the applicant/accused is enlarged on bail, then there is possibility of threatening the informant for withdrawal of the complaint. So, urged to reject the application.

5] Heard the learned Advocate for the applicant/accused Shri A.A.Chikane and learned APP for the prosecution. This Court gone through the say filed by the de-facto complainant and citations relied upon by the informant in case of **Nitya Nand Versus State of U.P. & Anr., Criminal Appeal No. 1348 of 2014** on the requirement of applicability of Section 149 of I.P.C. The informant has also relied on the judgment of Hon'ble Apex Court in the

case of **Munnesh Versus State of Uttar Pradesh, 2025 LiveLaw (SC) 389** to support the contention that the applicant/accused has criminal antecedent and has suppressed the said fact. The de-facto informant has also produced on record the copies of order passed in Criminal Bail Appln. No.184/2025 (rejection of bail order of co-accused Avinash More), copy of bail order in Criminal Bail Appln. No.175/2025 (rejection of bail order of co-accused Rushikesh Ranavare), copy of order in Criminal Bail Appln.No. 161/2025 (grant of regular bail to co-accused Rocky) and copy of bail order in Criminal Bail Appln.No. 179/2025 (rejection of bail order of accused Sunny Tapare).

6] This Court carefully gone through the material on record, submissions at the bar and the case laws cited (supra), on which the de-facto informant has relied upon. The crime came to be registered for the aforesaid offences on the basis of report lodged by the de-facto informant Riyaj Shaikh on 17.09.2025 by alleging therein that on 21.11.2016, Pratik Vijay Chavan was murdered in Shivaji Chowk, Shirwal, Tq.Khandala. The de-facto informant and his friend Asif were the main accused in the said matter. The de-facto informant was attending the dates of the said matter during trial. Mother of deceased Pratik Chavan and the other persons namely, Sai Dhumal, Avinash More, Rocky Bala, Sunny Tapare and Rohan Gujar (applicant/accused) were attending the Court in the said matter and even in the Court, they were making gestures by hand and giving threat due to grudge in their mind about murder of Pratik Vijay Chavan. On 16.09.2025, at about 4.30 p.m., while the informant was near 'Panipuri' handcart, at that time, the applicant/accused, Avinash More, Rocky Bala and Sunny Tapare were watching the movement of the informant. They

were taking location and observing the informant. At about 5.15 p.m., when the informant was near Rest House and purchasing fruits from the street vendor, at that time, suddenly Sai Dhumal and Akshay Vasagadekar came on motorcycle. Sai was riding motorcycle and Prem @ Akshay fired round from pistol at the informant. The informant sustained injury by the said bullet near his right hand. While Prem was loading pistol for second round. That time, the informant pushed him on his motorcycle and ran away and saved his life.

7] From the allegations in the F.I.R., the role of the applicant/accused is only about watching on the de-facto informant. The applicant/accused may be the part of alleged conspiracy, but it appears that at the time of alleged bullet fire, he was not present at the spot. The investigation is over and charge-sheet has been filed before learned Judicial Magistrate, First Class, Khandala vide R.C.C. No. 258/2025. Though there is criminal antecedent against the applicant/accused for an offence of unlawful assembly and voluntarily causing hurt, but merely on that ground, it is not proper to deny bail to the applicant/accused, particularly while considering his role in this crime. Hence, this Court pass following order :

ORDER

1] Application is hereby allowed.

2] The applicant/accused **Rohan Sunil Gujar** be enlarged on bail on execution of P.R. Bond of Rs.1,00,000/- (Rupees One Lac Only) with solvent surety in the like amount, in connection with **Crime No.322/2025** registered with **Shirval Police Station**, for the offences punishable under Sections 109, 3(5), 61(2) & 238 of Bhartiya Nyaya Sanhita, 2023 & Section

3 read with Section 25 of Arms Act, on following conditions;

- A] He shall not misuse the bail.
- B] He shall not tamper with the prosecution evidence.
- C] He shall not contact prosecution witnesses and shall not influence them in any manner.

3] In case of any infringement of the aforesaid conditions, the investigating officer is at liberty to move application for cancellation of bail.

4] Bail before learned Magistrate Court, Khandala.

Wai
Date: 11.03.2026

(D.B.Mane)
Addl. Sessions Judge, Wai.