

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 444 OF 2026

Bhagwan Dhaklu Kharat ... Applicant

VERSUS

The State Of Maharashtra ... Respondent

Mr. Kuldeep U. Nikam (Through VC), Advocate for Applicant.

Mr. B. B. Kulkarni, APP for the Respondent – State.

PSI – S.M.Rajgonda, Warje Malwadi Police Station, Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 248 of 2023 registered with Warje Malwadi Police Station, for the offences punishable under Sections 307, 326, 325, 324, 323, 504, 506, 506(2), 341, 427, 146, 147, 148 and 149 of the Indian Penal Code, 1860 (for short “IPC”), Sections 37(1)(3) and 135 of the Maharashtra Police Act, Section 4(25) of the Arms Act, Section 7 of the Criminal Law Amendment Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short “MCOCA”).

2. It is prosecution’s case on 20.06.2023, applicant and co-accused assaulted the first informant and his friend with sharp weapon with

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intention to kill them.

3. It is contention of learned counsel for the applicant that the role attributed to the applicant is that he was riding the motorcycle on which co-accused were riding pillion with him at the time of the offence. There are no allegations of assaulting the first informant or his friend against the applicant. The applicant is behind the bars for more than two years and ten months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP that the provisions of MCOCA are applied against the applicant. The co-accused came on the motorcycle of the applicant and assaulted the first informant and his friend. It shows involvement of the applicant, in the commission of crime. If the applicant released on bail, he may threaten prosecution witnesses.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. The applicant is behind the bars for two years and ten months. The applicant has not actively participated in assaulting the first informant and his friend. The allegations of assault are against the co-accused. The applicant has only one antecedent. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 248 of

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2023 registered with Warje Malwadi Police Station, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. 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.

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

(SHIVKUMAR DIGE, J.)