

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 754 OF 2026

Omkar Macchindra Zagade

... Applicant

VERSUS

State Of Maharashtra

... Respondent

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Mr. Manoj Mohite, Senior Advocate i/b. Mr. Rohan Hogle and Mr. Bhavesh Paithane, Advocate for Applicant.

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

API – Mr. Tanaji Kadam, Chakan Uttar Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6<sup>th</sup> MAY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 1791 of 2022 registered with Chakan Police Station, District Pune, for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 147, 212, 144, 148, 149, 506, 120-B of Indian Penal Code, 1860 (for short "IPC") and Section 4 (25) of the Arms Act and Sections 37(1) r/w 135 of Maharashtra Police Act and Sections 3(1)(i)(ii), 3(3) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 (for short "MCOCA Act").

2. It is prosecution's case that on 21.11.2022 around 10:30 a.m. to

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11:00 a.m., co-accused assaulted the first informant and his friend with sharp weapons on the ground of old dispute. In the said assault, friend of the first informant died. It is alleged that after the assault, the co-accused went to the house of the applicant. The applicant provided them a car and some money to escape. It is alleged that prior to three to four days of the incident, applicant had cautioned the deceased that something is going to happen with him. The allegations against the applicant are of conspiracy.

3. It is contention of learned Senior counsel for the applicant that co-accused who participated in the assault of the deceased and first informant have been released on bail. The allegations against the applicant are of conspiracy and providing shelter to the co-accused. The applicant was not present at the time of incident. The applicant is behind bars for three years and four months and requested to allow the application.

4. It is contention of learned APP that the applicant has six antecedents. He is a member of crime syndicate. The applicant conspired to kill the deceased. The co-accused after committing murder of the deceased went to the house of the applicant and the applicant provided help to them. It shows involvement of the applicant in the crime. Previous, bail application of the applicant was rejected by this Court and the said order is confirmed by the Hon'ble Apex Court. If the applicant is

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released on bail, he may abscond or threaten prosecution witnesses and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. It appears from the record that previous bail application of the applicant was rejected by this Hon'ble Court and confirmed by the Hon'ble Apex Court. Thereafter, applicant approached this Court with liberty to file fresh bail application before the Trial Court and after rejecting the order by Trial Court on the ground of change in circumstances, present application is filed. It appears from the record that the co-accused Nitin Yede, Kunal Shinde and Riyaz Shaikh who had participated in the assault have been released on bail. The allegations against the applicant are of conspiracy and providing help to the deceased. The role attributed to the applicant is lessor than the assailants who have been released on bail. The applicant is behind bars for three years and four months. Considering these facts, I pass following order.

#### **ORDER**

- i. The applicant be enlarged on bail in C.R.No. 1791 of 2022 registered with Chakan Police Station, District Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

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- 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.)**