

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2142 OF 2026
IN
CRIMINAL APPEAL NO. 733 OF 2024**

Sachin Prakashrao Andure ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Niteen Pradhan a/w. Shubhada Khot, Siddh Vidya, Danish Patel, Virendra Ichalkaranjekar, Sachin Kanse i/b. Jyoti Ghorpade for Applicant.

Mr. Amit Singh a/w. Ms. Saba Shaikh, Bhushan Bhadgale, Priyasha Pawar, Janhavi Jadhav and Ashlesha Suryawanshi i/b. Omkar Nevgi for Intervenor.

Mr. Amit Munde, SPP a/w. Jai Vohra, Shantanu Nakashe for CBI/Respondent No.2.

Ms. Gauri S. Rao, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

**RESERVED ON : 11 AUGUST 2026
PRONOUNCED ON : 18 AUGUST 2026**

PC :

1. This is an application preferred by the Applicant for his release on bail during pendency and final disposal of Criminal Appeal No.733 of 2024.

2. Heard Mr. Niteen Pradhan, learned counsel for the Applicant, Mr. Amit Singh, learned counsel for the Intervenor, Mr. Amit Munde, learned Special Public Prosecutor for the CBI-Respondent No.2 and Ms. Gauri Rao, learned APP for the State-Respondent.

3. The Applicant was the original Accused No.2 in Sessions Case No.706 of 2016 before the learned Additional Sessions Judge, Pune. The learned Judge vide the Judgment and order dated 10.05.2024 convicted the present Applicant and the original Accused No.3 Sharad Bhausahab Kalaskar for commission of the offences punishable U/s.302 r/w. 34 of the IPC and U/s.3(25) of the Indian Arms Act. They were sentenced to suffer R.I. for life and to pay a fine of Rs.5 lakhs each and in default they were directed to suffer S.I. for one year. Both of them were acquitted from the charges of commission of the offences punishable U/s.120B of the IPC, under Sections 27(1) and 27(3) of the Indian Arms Act and under Section 16 of the Unlawful Activities (Prevention) Act, 1967. The other three accused i.e. the Accused No.1 Dr. Virendrasinh Tawde, Accused No.4 Sanjiv Punalekar and Accused

No.5 Vikram Bhave were acquitted from all the charges.

4. The Applicant challenged the said Judgment and order in Criminal Appeal No.733 of 2024 before this Court. The Appeal is admitted.

5. The prosecution case, in brief, is as follows:

i) The case involves the murder of Dr. Narendra Dabholkar, who was a rationalist, social worker and crusader against superstition. He had founded the 'Maharashtra Andhashradha Nirmoolan Samiti (for short 'ANIS')'. He was the force behind the Anti Superstition Bill which was pending for legislation in August 2013 before the Maharashtra State Legislature. As per the prosecution case, the organisations like Sanatan Sanstha were opposing the said bill. Ultimately, the bill was passed by the State of Maharashtra on 24.08.2013 through an Ordinance, after the death of Dr. Narendra Dabholkar. The prosecution case is that the Sanatan Sanstha was having hatred towards Dr. Narendra Dabholkar. Sanatan Sanstha was publishing various articles in 'Dainik Sanatan Prabhat' against Dr. Dabholkar.

ii) On 20.08.2013, at about 7:20a.m. two persons fired bullets on Dr. Dabholkar at Omkareshwar Bridge at Pune within the jurisdiction of Deccan Police station. He succumbed to his injuries. A few eye witnesses saw the incident. The police were informed. Dr. Dabholkar was taken to the hospital. Two live cartridges and two empty cartridges were found at the spot. In Sassoon Hospital, two empty bullets were taken out from the body of Dr. Dabholkar.

iii) C.R.No.154 of 2013 was registered at Deccan Police station against unknown persons for the offences U/s.302 r/w.34 of the IPC and U/s.3(25) of the Arms Act. Initially, it was investigated by the Deccan Police station. The investigation was taken over by the Crime Branch-1, Pune city. A Public Interest Litigation was filed before this Court and the investigation was handed over to the Central Bureau of Investigation (CBI). From 02.06.2014, CBI conducted the investigation.

iv) The prosecution case is that the Accused No.1 Dr. Tawde was the co-ordinator of Sanatan Sanstha in Kolhapur. It is a

sister organization of Hindu Janjagruti Samiti (for short 'HJS'). The said organization started its activity in Kolhapur. Dr. Tawde developed enmity with Dr. Dabholkar. His involvement in the murder of Dr. Dabholkar was revealed. He was arrested on 10.06.2016. The Applicant and the co-accused Sharad Kalaskar were associated with Sanatan Sanstha and they were arrested by the Anti Terrorist Squad (ATS) Maharashtra, Mumbai in C.R.No.11 of 2018 registered with Kalachowky police station, Mumbai. The roles played by the Applicant and the co-accused Kalaskar in connection with the murder of Dr. Dabholkar were revealed. The Applicant was arrested on 18.08.2018 and the Accused Sharad Kalaskar was arrested on 03.09.2018. The involvement of the other accused who faced the trial was revealed subsequently and all the accused mentioned herein above faced the trial.

6. During trial, the prosecution examined twenty witnesses including two eye witnesses, one witness to whom allegedly the Applicant made an extra judicial confession, the panchas and the Investigating Officer.

7. At the conclusion of the trial, the Applicant and co-accused Kalaskar were convicted and sentenced as mentioned earlier.

SUBMISSIONS OF MR. NITEEN PRADHAN, LEARNED COUNSEL FOR THE APPLICANT:

i) There is no reliable evidence against the Applicant. The important witnesses were deliberately not examined by the prosecution. The charge-sheet showed that there were at least five more witnesses who claimed to be the eye witnesses viz. Meera Chakale, Minanath Gaikwad, Vitthal Kamat, Kasturi Paranjape and Shamala Gadre who were alleged witnesses to the incident, but they were not examined and, therefore, adverse inference is required to be drawn. Even the important officers from the CBI and the Police who had conducted important part of the investigation were not examined. They were WAPI Sunita Salunke, PI Raghunath Phuge, ACP Rajendra Bhamre, Senior Police Officer G. S. Madgulkar, CBI Dy.S.P- D. S. Chauhan and Shri. Meena.

iii) The only evidence against the Applicant was in

the nature of evidence of the alleged eye witnesses PW-6 Kiran Kamble and PW-14 Vinay Kelkar, as well as, the evidence of Somnath Bhagwan Dhayade regarding the Extra Judicial Confession. PW-6 Kiran, in his statement recorded U/s.164 of the Cr.P.C., had denied having seen the incident. PW-14 Vinay had stated that he was at a distance of around 500 meters from where he had seen the incident. The Test Identification Parade (for short 'TIP') was not held to enable them to identify the suspects; including the Applicant. Admittedly, the photographs of the Applicant and the co-accused were shown. That vitiates the identification. After about ten years from the incident, for the first time, they identified the accused in the Court. This identification hardly carries any weightage.

iv) Shri. Pradhan submitted that the evidence of extra judicial confession is weak. PW-10 Dhayade was a stand alone witness. There is no corroboration to his evidence. There is nothing to corroborate that he was very close to the Applicant, so that the Applicant could have confessed to his crime before this witness. There is no corroboration on material particulars. His

statement was recorded by a CBI officer after five years. Thereafter his statement U/s.164 of the Cr.PC. was recorded. Shri. Patil, officer of the CBI who had called this witness for recording the statement is not examined. There is a reference to one Devdikar to whom this witness had given information about the Extra Judicial Confession made by the Applicant. But he was not examined. It is not safe to rely on his evidence. There are major omissions from his evidence which are proved through the evidence of the Investigating Officer PW-20 Subhash Singh.

v) Shri. Pradhan further submitted that the evidence shows that the two suspects namely Khandelwal and Nagori were arrested on 20.08.2013 at 4:30p.m. at Mumbra. Two firearms and live cartridges were seized from them. Those firearms were sent to the Forensic Science Laboratory (for short 'FSL'). The bullets taken out from the dead body of Dr. Dabholkar were also sent for analysis to FSL. The FSL report shows that the bullets found at the spot and the bullets found in the dead body matched with the firearms sent to FSL. The investigating agency has surprisingly filed a closure report in favour of Khandelwal and Nagori and

there is no further link established with the FSL report, which goes directly against the prosecution theory. Both of them were let off by filing a report U/s.169 of the Cr.P.C. The FSL report is produced on record at Exhibit-495. There is no explanation coming forth from the prosecution in that behalf.

8. Shri. Pradhan relied on the order passed by a Division Bench of this Court granting bail to the co-accused Kalaskar during pendency of his appeal. The said order was passed by another Division Bench of this Court in Interim Application No.312 of 2025 in Criminal Appeal No.641 of 2024 preferred by the co-accused Sharad Kalaskar. Vide the order dated 29.04.2026 the Division Bench granted bail pending Appeal to the Applicant's co-accused Sharad Kalaskar. Shri. Pradhan submitted that the principles of parity squarely apply to the Applicant's case. The additional circumstance against the Applicant is in the nature of Extra Judicial Confession; and as submitted by him, it was not reliable.

SUBMISSIONS OF MR. AMIT MUNDE, LEARNED SPP FOR CBI-RESPONDENT NO.2

- i) The trial Court, after assessment of the evidence,

had convicted the Applicant. The appreciation has been properly done by the trial Court. At the time of consideration of bail pending Appeal, minute appreciation of evidence on record is not permissible.

ii) He further submitted that, in any case, the prosecution witnesses PW-6 Kiran and PW-14 Vinay have identified the Applicant before the trial Court. It is substantive evidence regarding the identification. Therefore, the absence of TIP will not make any difference. The TIP can only be used as an aid in the investigation. It is not a substitute for substantive identification before the Court. The important witnesses i.e. PW-6 Kiran, PW-14 Vinay and PW-10 Somnath have given their statements before the Magistrate. The statements were recorded U/s.164 of the Cr.P.C.

iii) The evidence of extra judicial confession before the learned Magistrate is a strong and reliable piece of evidence. All these witnesses i.e. PW-6, PW-14 and PW-10 were totally independent witnesses and they had no reason to falsely implicate the Applicant.

iv) The learned Judge has elaborately discussed the motive behind the murder. Therefore, in this case, this is an additional circumstance against the Applicant.

However, Shri. Munde made no notable submission in respect of the FSL report at Exhibit-495.

SUBMISSIONS OF MR. AMIT SINGH, LEARNED COUNSEL FOR THE INTERVENOR.

i) Mr. Singh adopted the submissions made by Mr. Munde. In addition, he submitted that, parity will not be applicable to the Applicant in this case, though, his co-accused Kalaskar was granted bail pending his Appeal. He submitted that, there is major difference between the case of Kalaskar and the present Applicant as there is an additional strong circumstance of extra judicial confession made by the Applicant before PW-10 Somnath.

ii) PW-6 Kiran and PW-14 Vinay corroborate each other. Their evidence gets corroboration from the evidence of PW-10 Somnath. Nagori and Khandelwal referred to herein above were let off because they were not involved in the crime. That

would not be an advantage for the Applicant, because the prosecution has established the case against the Applicant independently.

iii) Though, the TIP was not held, the identity of the assailants is established through their photographs. Not holding of the TIP is not fatal to the prosecution in a criminal trial.

iv) In this case, though the weapon was not found, that cannot be a ground to give benefit to the Applicant. If the weapon is destroyed, it would not be found, and this circumstance should not be held against the prosecution.

v) There are criminal antecedents against the Applicant. He is an accused in one more similar case for commission of the offence punishable U/s.302 of the IPC. Though, in that case, the Appellant is on bail, the trial in that case is yet to conclude. Therefore, the Applicant's release on bail in this Appeal would prejudice the conduct of that trial. The allegations in that trial are similar. It is also a result of difference in ideology similar to the present case.

vi) Only in exceptional circumstances, U/s.302 of the IPC, grant of bail during pendency of Appeal is the right option. The release of the accused on bail during the pendency of the Appeal should be weighed against the adverse impact on the society.

vii) The learned Trial Judge has rightly rejected the plea raised by both the accused regarding their *alibi*.

Besides making oral submissions, Mr. Singh, learned counsel for the Intervenor has also submitted the written submissions; which are taken on record.

9. Mr. Singh relied on the following Judgments of the Hon'ble Supreme Court:

i) ***Ash Mohammad Versus Shiv Raj Singh alias Lalla Babu and another¹***. It is held in this case that the offences of this nature are an impediment in establishment of orderly society. There should be proper analysis of the criminal antecedents. The societal concern has to be kept in view in juxtaposition of

1 (2012) 9 Supreme Court Cases 446

individual liberty. The societal concern in a given case deserves to be given priority over lifting the restriction on liberty of the accused.

ii) ***Omprakash Sahni Versus Jai Shankar Chaudhary and another²***. It was observed that, once the accused is held guilty, the presumption of innocence gets erased. The endeavour on the part of the Court, should be to see as to whether the case presented by the prosecution and accepted by the trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. In that case, if the answer is affirmative, as a necessary corollary, he should not be kept behind bars for a very long time till conclusion of the Appeal. For this consideration, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not reappreciate the evidence at the stage of Section 389 of the Cr.PC and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would

2 (2023) 6 Supreme Court Cases 123

not be a correct approach.

iii) *Sidhartha Vashist alias Manu Sharma Versus State (NCT of Delhi)*³. In this case, it was observed that in considering the prayer for bail pending Appeal in a case involving the offence U/s.302 of the IPC, the Court should consider all the relevant factors like the nature of accusation, the manner in which the crime was committed, gravity of the offence, the desirability of releasing the accused on bail after he was convicted. The normal practice in such cases was not to suspend the sentence and it was only in exceptional circumstances, the benefit of suspension of sentence can be granted.

iv) *Sidhartha Vashist alias Manu Sharma Versus State (NCT of Delhi)*⁴. It was held that, where there is no previous TIP, the Court may appreciate the dock identification as being above-board and more than conclusive. It was also observed in the same case in paragraph-258 that, according to the learned Solicitor General, an adverse inference ought to be drawn against the Appellants, in that case, for their refusal to join the TIP. It was

3 (2008) 5 Supreme Court Cases 230

4 (2010) 6 Supreme Court Cases 1

further observed by the Hon'ble Supreme Court that the dock identification is a substantive piece of evidence, therefore, even without any TIP conducted, no prejudice could be caused to the case of the prosecution.

v) ***Rajesh alias Sarkari and another Versus State of Haryana***⁵. It was observed that the identification parade belongs to the stage of the investigation of crime and there is no provision which compels the investigating agency to hold or confers a right on the Accused to claim a TIP. The identification of the accused in the Court constitutes substantive evidence. As a Rule of prudence, the Court would, generally speaking, look for corroboration of the witness' identification of the Accused in court, in the form of earlier identification proceedings. The Rule of prudence is subject to the exception when the Court considers it safe to rely upon the evidence of a particular witness without such or other corroboration. The failure to hold the TIP, does not ipso facto make the evidence of identification inadmissible. The weight that is attached to such identification is a matter to be determined by the

5 (2021) 1 Supreme Court Cases 118

Court in the circumstances of that particular case.

REASONS AND CONCLUSION

10. We have considered these submissions. As mentioned earlier, the main circumstances against the Applicant are the evidence of the eye witnesses and the extra judicial confession. PW-6 Kiran was an eye witness. He was serving as a Sweeper in Pune Municipal Corporation. On 20.08.2013, he attended his work between Omkareshwar Temple to Khati Vadapao place. He came for his work at about 6:30 a.m. on 20.08.2013. At about 7:15 a.m. he heard a sound like fire cracker bursting. He saw that two boys were firing on an aged person. Those two boys went towards the motorcycle which was parked near the police chowky and fled away. The old man fell down. One of those two persons was taller than the other. PW-6 further deposed that the Applicant and the co-accused Kalaskar who were present in the court were the two boys who had fired gun shots. He further deposed that, he rushed towards the person lying on the road. Then, he and his co-worker Meerabai went to have tea. Then he went to Modern colony to

complete his remaining work. His statement was recorded by Mr. Phuge. He was called by CBI Officer Mr. Singh, who showed the photographs to this witness. He identified those photographs. Those photographs were marked as Exhibits 331 to 334. His statement was recorded U/s.164 of the Cr.P.C. It is produced on record at Exhibit-335. His evidence was recorded before the trial Court on 19.03.2022.

In the cross-examination, he deposed that the police met him for the first time on 02.09.2013, and till then he had not disclosed about the incident to the police. The photographs were shown to him after four to five years of the incident. In the statement recorded U/s.164 of the Cr.P.C, he had stated that he was called to the office of the Police Commissioner. The police had made inquiries with him, but at that time, he had told the police that he had not seen anything. Subsequently, he felt like narrating the incident to the police. Then he gave his statement before Shri. Phuge. He was called by the CBI officer on 25.12.2018 and he was shown the photographs of two persons. He had identified one of them, whose name was Kalaskar. Importantly, he had stated that,

he had not seen the other person committing the murder. He came to know that, the name of that person was Andure (present applicant).

11. From the evidence of this witness PW-6 Kiran, more important facts emerged which are not controverted. His substantive identification in the Court was in March 2022, that was almost after about eight years and seven months. That is a long period to test his memory. As far as the identification of the photographs is concerned, his statement recorded U/s.164 of the Cr.PC clearly mentions that he had identified only the photograph of Kalaskar and not of the present Applicant. In fact, he was told by the police that the other person's name was Andure (Applicant's name), and he had told the police that he had not seen that person committing the murder. In any case, he was shown the photographs on 25.12.2018. The Applicant was arrested on 18.08.2018. There was no reason as to why TIP was not held instead of showing the photographs of the suspects.

12. PW-14 Vinay is the other eye witness examined by the

prosecution. He deposed that, he used to go for morning walk and jogging everyday. On 20.08.2013, he returned home at around 7:00a.m. from his morning walk. He went to his balcony. At that time, he saw an aged person proceeding on Balgandharva bridge. There is Omkareshwar temple in front of his house at one end of the bridge and on the other end of the bridge there is Balgandharva theater. On seeing the aged person walking, within one to one and half minute, he heard the sound of bullet shots. He looked at the place from where he heard the sound. He saw that the aged person was lying on the ground. Two boys who had followed him were running in the opposite direction and they came towards his house. Both of them went towards the police chowky. They started a motorcycle parked there and went away. He saw the motorcycle number; it was 7756. Both of them were in the age group of 25 to 30 years and of wheatish complexion. This witness went towards the dead body and told a lady police officer about the incident. His statement was recorded by the police. He identified the Accused Nos.2 and 3 before the Court as the persons who had fired bullets. On 27.12.2018, CBI officer Mr. Singh called

him at CBI office, Khadki. He showed him some photographs. From out of 10 to 12 photographs, he took out two photographs. Those photographs were marked at Exhibits-460 and 461. Both the photographs were of the same person. His deposition was recorded on 25.11.2022. That means, his deposition was recorded after nine years and three months from the date of incident.

In the cross-examination, he admitted that the photograph at Exhibit-460 showed the person with the name plate in his hands and the name was 'Sharad Kalaskar'.

13. From the evidence of this witness PW-14, it is clear that his deposition was recorded in November 2022, hence, his substantive identification in the Court was in November 2022 which was almost after nine years and three months. That is also a long period to test his memory. His cross-examination shows that, he had identified the photograph of Sharad Kalaskar only and not of the Applicant. The Applicant was arrested on 18.08.2018. There was no reason as to why TIP was not conducted. There is no clear identification, as far as the Applicant is concerned.

This is the only evidence led by the prosecution in the nature of evidence of the two eye witnesses i.e. PW-6 Kiran and PW-14 Vinay.

14. The next circumstance relied on by the prosecution against the present Applicant was in the nature of extra judicial confession made by him before PW-10 Somnath Dhayade. PW-10 Somnath deposed that he was running a restaurant named Shraddha Chat Bhandar at Jawahar Colony, Aurangabad. He had subscribed for 'Sanatan Prabhat' weekly. He used to attend the programmes arranged by him through HJS. In the year 2012, he attended the programme in front of Gajanan Maharaj Temple, Garkheda. At that time, he met the Applicant and one Rushikesh Devdikar. They used to visit PW-10's restaurant occasionally. He identified the Applicant before the Court. Both of them used to discuss 'Hindutva' with this witness. They used to encourage this witness to be a volunteer for HJS. He was aware that the deceased in this case used to work for eradication of superstition. He learned about his murder from the television news. He deposed that, for about six months before the incident, the Applicant and Rushikesh

Devdikar had not met him. After about 15 days from the incident, the Applicant came to his restaurant. He appeared unhappy. He looked unclean and untidy. This witness sat besides him and enquired with him as to why he was unhappy. The Applicant asked this witness whether he could disclose something. When this witness insisted, the Applicant told him that he had killed Dr. Narendra Dabholkar by firing bullet shots, and that he was accompanied by Sharad Kalaskar who had also fired bullets. On hearing this, PW-10 was shocked. He asked the Applicant, why he was confessing to him and why the Applicant was involving him in that matter. By making some excuses, this witness left the place. The Applicant had asked him that, if he was arrested, whether this witness would help the Applicant. After 15 to 20 days, Devdikar came to PW-10's restaurant. PW-10 told him about the Applicant's confession. Devdikar then left the place. On 22.08.2018, the CBI officer called him. He attended the CBI office at Mumbai on 23.08.2018 and gave his statement. His statement was also recorded U/s.164 of the Cr.PC on 27.08.2018.

There were certain omissions from his statement which

were put to him in the cross-examination. However, certain important facts emerged from his deposition. He narrated about the extra judicial confession after five years from the date when the alleged extra judicial confession was made by the Accused No.2-the Applicant. The CBI officer who had called him was not examined. Devdikar, to whom, PW-10 had shared this information is not examined. There is no corroboration to the evidence of PW-10 Somnath. There is nothing to show that the Applicant was so close to him that he would confess his crime before this witness. There is no connecting piece of evidence to show as to how the CBI officer got to know that the Applicant had made a confession to PW-10 Somnath. His evidence thus is a very weak piece of evidence.

Apart from these main features, there is one more significant feature in this case.

15. PW-16 ACP Manohar Joshi, who had carried out some part of the investigation, was cross-examined on behalf of the Applicant and the other accused. He produced the report of

Ballistics Expert at Exhibit-495. The report was taken on record as per Section 293 of the Cr.PC as is noted by the learned Trial Judge in paragraph-55 of the deposition of PW-16. The said report is quite significant. The result of analysis mentioned in the report indicates that 7.65mm copper jacketed pistol bullet and the deformed copper jacketed pistol bullet received from the Medical Officer of B. J. Medical College, Pune, tallied among themselves and with the test-fired bullets from the country-made pistol received from Mumbra police station. Those weapons were received by the FSL on 19.09.2013. The report is dated 14.11.2013. These dates are much before the arrest of the present applicant in the year 2018. Thus, the police authority had the weapon matching with the bullets recovered from the dead body and yet there was no further investigation in that direction. There is absolutely no explanation regarding the same. We specifically asked Mr. Munde to explain this circumstance, but there was no answer.

16. Thus, from the above discussion, the following observations can safely be made:

(i) The identification of the Applicant by PW-6 Kiran and PW-14 Vinay is extremely weak. They have identified the Applicant for the first time after the incident after about eight years and seven months, and nine years and three months respectively; that is quite a long period for identification. Both these witnesses had not identified the photograph of the present Applicant. Therefore, though, in a given case, the identification in the Court as a substantive piece of evidence could be relevant, in the present case, it is an extremely weak piece of evidence.

(ii) The extra judicial confession, as discussed above, is also another extremely weak piece of evidence. PW-10 Somnath had kept quiet for about more than five years. PW-10 Somnath made this disclosure on 23.08.2018. The Applicant was arrested on 18.08.2018. This disclosure about the extra judicial confession was made by PW-10 Somnath after five years from such disclosure and significantly after the arrest of the Applicant. There is no corroboration to his evidence.

(iii) In this case, the co-accused Sharad Kalaskar is

granted bail pending his Appeal. The main evidence against Sharad Kalaskar was identification in the Court. On that point, the Applicant's case is stronger because the Applicant's photograph was not even identified by the two eye witnesses, whereas, Kalaskar's photograph was identified. The distinguishing feature for the Applicant in the form of extra judicial confession, as discussed, is very weak.

There is a loose end regarding the recovery of the weapon and the Ballistic Expert's opinion at Exhibit-495. No explanation is offered by the investigating agency.

17. Considering the above circumstances, there are fair chances of the Applicant's acquittal in his Appeal. In the other matter where the Applicant is an accused of an offence U/s.302 of the IPC, he is granted bail. The evidence against the Applicant is very weak, even by prima facie observations, without analysing the evidence in depth. The Applicant is in custody on the basis of this weak piece of evidence for about six years from the arrest in this case. Considering these facts, the Applicant deserves to be released

on bail on the similar conditions imposed on the co-accused Sharad Kalaskar, by another Division Bench of this Court vide the order dated 29.04.2026 passed in Interim Application No. 312 of 2025 in Criminal Appeal No.641 of 2024. It is made clear that these observations are made only for deciding this application for bail pending Appeal.

18. Hence, the following order:

ORDER

- i) During the pendency of Criminal Appeal No.733 of 2024 preferred by the Applicant, the substantive sentence imposed on the Applicant vide the Judgment and order dated 10.05.2024 passed by the learned Additional Sessions Judge, Pune, in Sessions Case No.706 of 2016 is suspended, and the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.50000/- with one or two local sureties in the like amount.
- ii) Before his release from jail, the Applicant shall give his residential address and contact number on which he or his any close relative can be contacted.

- iii) After his release from Jail, the Applicant shall attend the Deccan Police station on every first Monday of each month between 10:00 a.m. and 1:00 p.m. initially for a period of one year and thereafter on every first Monday between 10:00a.m. and 1:00 p.m. of every third calendar month i.e. four times in a year, till the disposal of the Appeal.
- iv) In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file an application for cancellation of bail.
- v) The Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)