IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2470 OF 2025

Mr. Aditya Avinash Sood,
Age about 53 years, Occupation : Business,
Residing at : Bungalow No.47-B,
Sopan Baug Society, B.T. Kavade Road,
Ghorpadi, Pune.
(At present Yerwada Jail) ...Applicant

vs.

The State of Maharashtra
(Through I.O. Yerwada Police Station,
Pune)
...Respondent

WITH
BAIL APPLICATION NO. 2482 OF 2025

Mr. Arunkumar Devnath Singh
Age about 47 years, Occupation : Business,
Residing at : A-102, Lunkad Sky,
Belvedar Society, Vimannagar, Pune ...Applicant

vs.

The State of Maharashtra
(Through I.O. Yerwada Police Station, Pune) ...Respondent

WITH
BAIL APPLICATION NO. 2733 OF 2025

Mr. Vishal SurendraKumar Agarwal
Age 50 years, Occ. Business,
having address at Bungalow No.01,
Bramha Sun City, Vadgaon Sheri,
Pune – 411 014. ...Applicant

vs.

The State of Maharashtra
Through Assistant Police Commissioner,
Crime Branch City, Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 2904 OF 2025
IN
BAIL APPLICATION NO. 2733 OF 2025

Suresh Kumar Koshta,
(Father of deceased victim Ashwini Koshta) ...Intervenor

In the matter between :-

Mr. Vishal SurendraKumar Agarwal
Age 50 years, Occ. Business,
having address at Bungalow No.01,
Bramha Sun City, Vadgaon Sheri,
Pune – 411 014. ...Applicant

vs.

The State of Maharashtra
Through Assistant Police Commissioner,
Crime Branch City, Maharashtra ...Respondent

WITH
BAIL APPLICATION NO. 2850 OF 2025

Mr. Ashish Satish Mittal
Age about : 37 years, Occupation : Business,
Residing at : C-301, Sky Belvedere,
Lohegaon – Pune. ...Applicant

vs.

The State of Maharashtra
(Through PI Yerwada Police Station,
Dist. Pune) ...Respondents

WITH
INTERIM APPLICATION NO. 2902 OF 2025
IN
BAIL APPLICATION NO. 2850 OF 2025

Suresh Kumar Koshta,
(Father of deceased victim Ashwini Koshta)
Age : 62, Occupation : Retired,
R/at 141, Sakar Hills, Sainik Society,
Shakti Nagar, Jabalpur, Madhya Pradesh. ...Intervenor

In the matter between :-

Mr. Ashish Satish Mittal
Age about : 37 years, Occupation : Business,
Residing at : C-301, Sky Belvedere,
Lohegaon – Pune. ...Applicant

vs.

The State of Maharashtra
(Through PI Yerwada Police Station,
Dist. Pune) ...Respondents

WITH
BAIL APPLICATION NO. 3751 OF 2024

1) Ashpak Basha Makandar
Age : 27 years, Occ.-
R/o. Subhashnagar, In front of Business
Bay, Khadki, Yerwada, Pune

2) Amar Santosh Gaikwad,
Age : 36 years, Occ.-,
R/o. S.No.31, Shivshakti Mandal,
Chaudharinagar, Dhanori, Pune,
(Both at present Yerwada Central Prison,
Pune) ...Applicants

vs.

The State of Maharashtra
(At the instance of the P.I. -
Yerwada Police Station, Dist. Pune) ...Respondent

WITH
BAIL APPLICATION NO. 3809 OF 2024

Dr. Ajay Aniruddha Taware,

Age – 38 years, Occupation – Doctor,
Residing at : B-6 Gita Society,
Camp _ Pune
(Currently in Yerwada Central Prison) ...Applicant

vs.

The State of Maharashtra
(At the instance of Yerwada Police Station) ...Respondent

WITH
BAIL APPLICATION NO. 5173 OF 2024

Shrihari Bhimrao Halnor
Age : 35 years, Occ – Service,
R/o.- 948/1, Alamprabhu Niwas,
Alamprabhu Road, Laxminagar,
Tal. Bhum, Dist. Dharashiv. ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Abid Mulani a/w. Mr. Ashish P. Agarkar, Mr. Raj Mulani, Ms. Harshada Parbhane, Mr. Adesh Agarkar, Mr. Mandar Shinde and Ms. Shraddha Kulkarni for the Applicant in BA/2470/2025 and BA/2482/2025.

Mr. Ashok Mundargi, Sr. Advocate a/w. Mr. Vijay Upadhyay and Ms. Dhvani Shah for the Applicant in BA/2850/2025.

Mr. Aabad Ponda, Sr. Advocate a/w. Mr. Prashant Patil, Mr. Swapnil Ambure, Ms. Harshada Parbhane, Ms. Nida Khan and Mr. Gagandeep Singh for the Applicant in BA/2733/2025.

Mr. Shirish Gupte, Sr. Advocate a/w. Mr. Aniket Nikam, Mr. Ranjit Ade, Mr. Rajendra Nemane, Mr. Gagandeep Singh, Mr. Anant Charkhe and Mr. Nilesh Rathod for the Applicant in BA/3751/2024.

Mr. Niranjan Mundargi a/w. Ms. Keral Mehta and Mr. Yash Naik i/b. Mr. Vaibhav Gaikwad for the Applicant in BA/3809/2024.

Mr. Jaydeep Mane (through VC) a/w. Ms. Ishan Paradkar, Mr. Yash

Fadtare and Mr. Malhar Kadam for the Applicant in BA/5173/2024.

Mr. Shishir Hiray, Special PP a/w. Mr. Shubham Joshi, Mr. Sanjay Kokane, Mr. Tanveer Khan and Ms. Supriya Kak, APPs for the Respondent – State.

Mr. Ankit Patil a/w. Mr. Yash Shrivas and Ms. Iraa Dube Patil i/b. Jay and Co. for the Intervenor in BA/2850/2025, BA/2733/2025, BA/3751/2024 and BA/3809/2024.

Mr. Vijay Kumbhar, ACP (Crime) and Mr. Santosh Dolas, ASI, present.

CORAM : SHYAM C. CHANDAK, J.

RESERVED ON : 05th DECEMBER, 2025.
PRONOUNCED ON : 16th DECEMBER, 2025.

JUDGMENT :-

1. Denial of bail by the trial Court leads the Applicants to file these Applications seeking their release on bail in Special Case (ACB) No.917/2024 arising out of C.R.No.306/2024 registered with Yerwada Police Station, Dist. Pune for the offences punishable under Sections 304, 279, 337, 338, 427, 120-B, 201, 213, 214, 466, 467, 468, 471, 109 read with Section 34 of the Indian Penal Code (for short "**IPC**") and Sections 7, 7-A, 8, 12, 13 of the Prevention of Corruption Act, 1988 (for short "**PC Act**") and Sections 184, 185, 199/177, 3(1)/180, 5(1)/181, 199 (a) of the Motor Vehicles Act (for short "**MV Act**").

2. Heard the learned Senior Counsel/Counsel appearing for the respective Applicant, Mr. Hiray, the learned Special PP for the Respondent – State and Mr. Ankit Patil, the learned Counsel appearing for the Intervenor. Perused the Applications, the Affidavit-in-reply and the relevant documents.

3. The prosecution story is that, applicant Vishal is father of "V" ("**CCL**"). On 19/05/2024, at about 2.00 AM, said CCL, his friends Aayush Sood, Naman Singh and Adi Shaikh were returning from a party in a Porshe car bearing no RTO registered number plate. The CCL was driving the car and his private driver namely Gangadhar had occupied the seat besides the CCL. The CCL's three friends were occupied on the rear the seat. At about 2.10 AM, when the car arrived near landmark society of Kalyani Nagar, on Airport road, a motorcycle bearing registration No. MH-14-CQ-3622 was proceeding ahead of the car. Suddenly, the car dashed that motorcycle from its behind. As a result, the motorcycle rider Anis Awadhiya and his pillion Ashwini Koshta sustained grievous injuries and immediately, succumbed to their injuries. As alleged, just before the accident, the CCL and his three friends with others had enjoyed a party consuming alcohol. Therefore, at the time of this accident, the CCL was under the influence of alcohol. However, he drove the car at a very high speed, in a rash and negligent manner despite he was cautioned not to drive the car in the drunken state and in such a rash and negligent manner. Therefore, informant Aquib Mulla filed a Report pursuant to which the aforesaid F.I.R came to be registered under Sections 304A, 279, 337, 338 and 427 IPC and 184, 119 and 177 of the MV Act.

Immediately, the police visited the spot and commenced investigation. The eyewitnesses to the accident and those who had apprehended the CCL and his friends at the spot, informed the police that the CCL and his friends were drunk and were under the influence of alcohol. His friend Adi Shaikh had fled away from the spot. Therefore, the police referred the CCL, Aayush Sood and Naman Singh for medical examination to the Sassoon Hospital. The medical examination was in the nature of clinical examination, taking blood sample etc. of the CCL and his two friends.

It is alleged that, meanwhile, all the applicants alongwith their co-accused namely Atul Ghatkambale and Shivani Agarwal, who is mother of the CCL, hatched a criminal conspiracy to cause disappearance of the evidence, in particular, to record 'Nil alcohol' report of the clinical examination and changing the blood sample of the CCL, Naman Singh and Aayush Sood with the blood sample of Shivani Agarwal, Ashish Mittal and Aditya Sood respectively, for certain bribe amount to be given to and accepted by the Applicants Dr. Halnor and Dr. Taware. Dr. Halnor was responsible to medically examine the CCL and his friends and take their blood samples. Dr. Taware involved in the conspiracy to get that work done through Dr. Halnor. Co-accused Atul Ghatkambale would help him in the crime, for which applicants Amar Gaikwad and Ashpak Makandar would act as the middlemen. Their ultimate object was to secure an escape to the three boys, mainly the CCL, from the clutches of law. This plan of the accused persons worked as conspired by them. However, the police took fresh blood sample of the CCL. The said samples were sent to the RFSL for CA purpose. The Reports of the CA revealed the change of the blood samples. Meanwhile, the DNA samples of the accused concerned were taken.

The net result of the investigation was that, pursuant to the criminal conspiracy, the accused Shivani, Ashish Mittal and Aditya Sood replaced the blood sample as noted above. For performance of the said illegal activity various documents were forged. Dr. Halnor accepted an illegal gratification of Rs.3,00,000/-from the accused Shivani and her husband Applicant Vishal through the co-applicants Ashpak Makandar and Amar Gaikwad. Dr. Halnor gave an amount of Rs.50,000/- to co-accused Atul Ghatkambale for his help in the said act. It is also revealed that the Applicant Arunkumar Singh gave Rs.2,00,000/- to Applicant Ashish Mittal to provide his blood sample to swap with the blood sample of the former's minor son namely Naman Singh.

The investigation revealed the complicity of the applicants and their co-accused. All the applicants came to be arrested from time to time. The bribe amount of Rs.2,50,000/- was seized which Dr. Halnor had kept in the custody of one medical student. An amount of Rs.50,000/- came to be recovered from accused Atul Ghatkambale. On completion of investigation, initially, charge-sheet came to be filed against 7 accused persons and it got registered as 'Special case (ACB) No. 917/2024'. On further investigation, charge-sheet came to be filed against the remaining accused.

4. The common grounds which have been pressed in these Applications for bail and emphasized during hearing of the Applications are that: i) the Applicants are innocent; ii) the evidence as to demand, giving and accepting of the bribe amount is very doubtful; iii) except the charge of the offence of Sections 201, no other alleged offence is made out against the Applicants; iv) the alleged offences of Sections 201, 213 and 214 are bailable; v) investigation is over and further detention of the applicants in jail will not serve any purpose; vi) the trial would take several years for it logical conclusion; vii) the presumption of innocence is in favour of the Applicants; viii) in these circumstances detention of the applicants in jail till conclusion of the trial will be a punishment without proving them guilty of the charge; ix) this is first offence of the Applicants; x) the Applicants are permanent resident of the given address; xi) the Applicants are not likely to abscond and tamper with the prosecution evidence; xii) and that; 'Bail is the rule and Jail is the exception' is the settled position of law.

5. The Applicant/case specific submissions are as under :-

a) Mr. Abid Mulani, the learned Counsel appearing for the Applicants in BA/2470/2025 and BA/2482/2025 submitted that, initially, there

were no allegations that these Applicants were involved in the crime. Applicant Aditya Sood gave his blood sample only because the police and the hospital authority had told that one of the parents should give his blood sample. The Applicant Aditya Sood had no intention to commit this offence.

He submitted that Applicant Arunkumar Singh is made an accused on the allegations that, to shield his minor son Naman from this offence, he gave Rs.2,00,000/- to Applicant Ashish Mittal to provide his blood sample to swap with the blood sample of his son Naman. However, there are long standing business relations between Applicants Arunkumar Singh and Ashish Mittal. As such, the financial transaction relied upon by the prosecution against this Applicant were in fact the routine business dealing between the two. Moreover, said Naman is not an accused in the case but a witnesses. Both these Applicants are not connected to the conspiracy of swapping the blood sample of the CCL with the blood sample of accused Shivani, for the bribe money. Thus, both these Applicants are innocent. However, they have been falsely implicated in this crime. As such, these Applicants are entitled for bail.

To support his submissions, the learned Counsel has relied on the decision in ***Sheila Sebastian vs. R. Jawaharaj and Others, (2018) 7 SCC 581,*** therein it is held that charge of the offence of forgery cannot be imposed against a person who is not the maker of false document in question. Making of a document is different than causing it to be made. As clarified in Explanation – 2 of Section 464 IPC, for constituting the offence of Section 464, it is imperative that a false document is made and the accused person is maker of the same, otherwise the accused is

not liable for the offence of forgery. Another decision he cited is ***Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40***, therein 17 person were booked for the scam. Statement of the witnesses were running into several hundred pages. Other documentary evidence was voluminous. There was no serious apprehension of tampering with prosecution evidence and absconding of the accused if released on bail. Therefore, it is held that, in such a case the balance approach is to grant conditional bail.

b) Mr. Niranjan Mundargi, the learned Counsel appearing for the Applicant in BA/3809/2024 submitted that, between 02/05/2024 to 20/05/2024, said Applicant Dr. Taware was on long leave and he was not physically present in the Sassoon Hospital. There is material inconsistency in the statement of the witnesses. The Applicant has not participated in any of the acts of creating false documents, forgery and swapping of the blood samples for the bribe money, alleged committed in the hospital. There is no allegation of either demanding or accepting the bribe. In the absence of relevant transcriptions, the CDRs on record cannot be used to presume that the this Applicant's telephonic conversation was related to causing disappearance of the evidence on accepting the bribe. As such, the offences punishable under Sections 466, 467, 468 and 471 IPC and the offences of PC Act have no application against the Applicant. In the wake of above and considering the material on record, at the most, offences of Sections 201 IPC may be attracted against this Applicant, which is bailable. Therefore, the Applicant may be released on bail with conditions.

c) Mr. Ashok Mundargi, the learned Senior Counsel appearing for the Applicant in BA/2850/2025 submitted that, as alleged, this

Applicant Ashish Mittal provided his blood sample to swap it with the blood sample of Naman, who is son of the Applicant Arunkumar Singh. However, no alcohol is detected in the blood sample of Naman. The CDRs of the mobile phone of this Applicant is not sufficient to presume that he was part of the conspiracy. The blood sample was not properly sealed and handled. There is no reliable chain of keeping the blood sample in a proper custody until it was sent to the FSL for CA purpose. The allegations that this Applicant received Rs.2,00,000/- against providing his blood sample as above, are false and baseless. The Applicant never tried to abscond which indicates his innocence. There is no material to show the involvement of the Applicant in the alleged criminal conspiracy and giving the bribe amount which was allegedly recovered in this case. Therefore, and considering the law in the field, the Applicant may be released on bail.

d) Mr. Gupte, the leaned Senior Counsel appearing for the Applicants in BA/3751/2024 submitted that these Applicants are not even implicitly connected with the offence of criminal conspiracy for making false documents, forgery and causing disappearance of the evidence against the bribe amount and for that end, they handled the bribe amount. There is no recovery of any incriminating evidence from them. As such, the offences of the criminal conspiracy, forgery of the valuable security and PC Act have no application against these Applicants.

e) Mr. Mane, the learned Counsel appearing for the Applicant in BA/5173/2024 submitted that the evidence as to the alleged criminal conspiracy has not weightage. It is a question of trial as to whether this Applicant has committed the offence of forgery of valuable security or

not. The statement of the witnesses as to demand and acceptance of the bribe amount is vague and inconsistent. The evidence as to the telephonic conversation is not helpful to establish the said facts. As such, the offences under the PC Act is not attracted against this Applicant. In the backdrop, maximum, this Applicant can be blamed for the offence of causing disappearance of the evidence which is bailable and does not prescribe a severe punishment. Therefore, the Applicant may be released on bail imposing suitable conditions.

f) Mr. Aabad Ponda, the learned Senior Counsel appearing for the Applicant-Vishal in BA/2733/2025 submitted that, initially, the FIR was registered against the CCL under Sections 304-A, 337, 338 & 427 of IPC and the offences under the MV Act. Subsequently, Section 304 IPC came to be added. The unfortunate accident occurred in the night and therefore, the Applicant was completely unaware about the circumstances which led to the accident. He submitted that, the CCL and his mother, who allegedly exchanged her blood sample with the blood sample of the CCL, both are granted bail. The offences is not falling in the category of economic offence. Therefore, no statutory bar for grant of bail like in an offence under the Prevention of Money-Laundering Act (PMLA), 2002 is attracted in this case. Even in offences under the PMLA bail is granted by the Hon'ble Supreme Court on the ground of long incarceration where detention of the accused in jail was not required for further investigation and trial would take long time. This case is not an exception to such a case of the PMLA. The entire prosecution evidence is documented. Therefore there is no possibility of tampering with the prosecution evidence by the Applicant.

Mr. Ponda, learned Senior Counsel submitted that in ***Satender Kumar Antil vs. Central Bureau of Investigation and another, (2022) 10 SCC 51***, it is held that if the offence is punishable with life imprisonment or any other lesser sentence and is triable by Magistrate, it cannot be said that Magistrate does not have jurisdiction to consider the bail application. Therefore, even if in the case in hand, the alleged offence of Section 467 IPC is punishable with imprisonment for life, since all the alleged offences are triable by the Special Court, there was no hurdle for the said Court to grant bail.

Present offence is committed by the Applicant only on account of his concern for his son, the CCL, but, unmindful of the serious consequences. Other crimes registered against the Applicant are allegedly related to his business as a builder, and most of them have been registered only after arraying him as accused in this crime. As such, the Applicant cannot be categorized as a habitual offender. The arrest of the Applicant and his wife Shivani has tarnished the image of their entire family. His business is put to loss. Thus, the crime made them to suffer physically, mentally, economically and socially. Therefore, the Applicant Vishal Agarwal may be released on bail putting conditions as may be deemed necessary.

g) The learned Senior Counsel for the Applicants have cited following reported cases to substantiate their submissions.

Ishan Vasant Deshmukh alias Prasad Vasant Kulkarni vs. State of Maharashtra	2011(2) Mh.L.J. 361
Balasaheb Satbhai Merchant Co-op. Bank Ltd. vs. State of Maharashtra and Others	2011 SCC OnLine Bom 1261
Mahesh Joshi vs. Directorate of Enforcement	2025 INSC 1377

P. Krishna Mohan Reddy vs. State of Andhra Pradesh	2025 SCC OnLine SC 1157
P. Chidambaram vs. Central Bureau of Investigation	(2020) 13 SCC 337
Gudikanti Narasimhulu and Others vs. Public Prosecutor, High Court of Andhra Pradesh	(1978) 1 SCC 240
Dattaram Singh vs. State of Uttar Pradesh and Anr.	(2018) 3 SCC 22
Re: vs. Nagendra Nath Chakravarti	1923 SCC OnLine Cal 318
Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation	(2013) 7 SCC 439
Nimmagadda Prasad vs. Central Bureau of Investigation	(2013) 7 SCC 466
Serious Fraud Investigation Office vs. Nittin Johari and anr.	(2019) 9 SCC 165
State of Bihar and another vs. Amit Kumar alias Bachcha Rai	(2017) 13 SCC 751
P. Chidambaram vs. Directorate of Enforcement	(2020) 13 SCC 791
Sharad Kumar and Ors. vs. CBI	2011 SCC OnLine Del 5056
Arvind Kejriwal vs. Central Bureau of Investigation	2024 SCC OnLine SC 2550
Prem Prakash vs. Union of India	(2024) 9 SCC 787
Jalaluddin Khan vs. Union of India	(2024) 10 SCC 574
Sangram Sadashiv Suryavanshi vs. State of Maharashtra	2024 SCC OnLine SC 3526
Vijay Nair vs. Directorate of Enforcement	2024 SCC OnLine SC 3597
Sushila Aggarwal and Ors. vs. State (NCT of Delhi) and Anr.	(2020) 5 SCC 1
Alnesh Akil Somji vs. State of Maharashtra	2022 SCC OnLine Bom 11566
Irfan Moiuddeen Saiyyed and Others vs. State of Maharashtra	2023 SCC OnLine Bom 983
Rup Bahadur Magar vs. State of West Bengal	2024 SCC OnLine SC 4699

6. In reply, Mr. Hiray, the learned Special PP pointed the prosecution evidence with minute detail and submitted that, at the relevant time and place, the CCL drove the said car in a rash and negligent manner. At that time, he was under the influence of alcohol. All the Applicants were aware of this fact because the witnesses who had apprehended the CCL and his friends at the spot, had so informed to the police investigating the crime. Yet, the medical examination of the CCL and his friends was delayed. Meanwhile, the Applicants designed a conspiracy to cause disappearance of the evidence for illegal gratification. Pursuant to the conspiracy, initially, the Applicant Dr. Halnor issued the medical certificates that the CCL and his friends were 'not under the influence of alcohol', although the fact was otherwise. In the next step, the Dr. Halnor with the help of Applicant Atul Ghatkambale exchanged the blood samples of the CCL and his two friends as above to successfully show that the three boys were not drunk and under the influence of alcohol. For this end, false identity details of the boys were written on Medical Certificate, the MLC register and on the stickers to be applied to the blood samples etc. This was done to facilitate the said boys to claim a right that they had neither consumed alcohol nor were under its influence. However, the same act destroyed the legal right of the prosecution agency to claim that the CCL and his friends were under the influence of alcohol, and the said mental and bodily state of the CCL lead to this accident. For this purpose, Dr. Halnor and Dr. Taware accepted Rs.3,00,000/- as bribe amount through the Applicants Ashpak Makandar and Amar Gaikwad. This story is supported with the CDRs collected during the investigation as it clearly show that the applicants were in frequent contact with one another, even at the odd hours of night. The CCTV footage also strengthens the prosecution case. The CA/DNA reports on records also confirms the conspiracy hatched by the Applicants. As such, there is strong a prima facie case against the Applicants of having committed the alleged offences.

The argument on behalf of the Applicants that no offence of Section 467 IPC has been made out in this case, is already dealt with by the trial Court as well as by this Court in ABA No.2564/2024 filed by the Applicant Arunkumar Singh, where, this Court specifically held that looking at the facts of this case, the offence of Section 467 is attracted against the Applicants and rejected the ABA *vide* Order dated 23/10/2024. This Order is confirmed by the Apex Court when it dismissed the SLP (Crl.) No. 15128/2024 filed by Applicant Arunkumar Singh for bail, assailing the said Order. As such, said question cannot be reopened in this case. Based on the prosecution evidence the case against the CCL and these Applicants cannot be segregated because except the fact that the accident occurred because of the rash and negligent driving of the car, the other facts are same.

Mr. Hiray submitted that although the offence of Section 467 IPC is punishable with imprisonment for life. The Applicants showed no respect to the dead who were young like the CCL. Rather they insulted their death and made mockery of the justice by tampering with and causing disappearance of the prosecution evidence, using corrupt practice and taking in their control the public hospital system, which functions for every citizen. Therefore, the offence is very serious. Mr Hiray submitted that Applicant-Vishal is a financially influential person, which is evident from the record. Applicants Dr. Halnor and Dr. Taware were serving in the Sassoon Hospital and very well acquainted with the material witnesses involved in the case. The Applicants Mr. Ashish Mittal, Aditya Sood and Arunkumar Singh are well connected with the Applicant Vishal Agarwal. As such there is every possibility of tampering with the prosecution evidence at the hands of the Applicants. He submitted that even at the time of taking second blood sample of the CCL and others by Aundh hospital, an attempt was made by the Applicant Vishal Agarwal, his wife Shivani and Ashpak Makandar to cause

the taking of the blood samples and swap it in the same manner, thus, tamper with the evidence using the same corrupt practice. However, the Medical Officer on this occasion was vigilant and it foiled their said attempt. Therefore, the trial Court refused to release the Applicants on bail. Accused Shivani is not granted bail on merit but she being a woman. In the backdrop, and considering the societal angle, the Bail Applications may be rejected. To support these submissions, the learned Special PP has relied upon the following reported cases.

Daniel Hailey Walcott and another Vs. State	AIR 1968 MAD 349
Naveen Singh vs. The State of Uttar Pradesh and another	AIR 2021 SC 1428
State of U. P. through CBI vs. Amarmani Tripathi	(2005) 8 SCC 21
Ishwarlal Girdharilal Parekh vs. State of Maharashtra and others	1968 SCC OnLine SC 47
State of T.N. Through Superintendent of Police CBI/SIT vs. Nalini and Othrs	AIR 1999 SC 2640

6.1 Mr. Ankit Patil, the learned Counsel appearing for the Intervenor has supported the submissions made by the learned Special PP.

7. I have carefully considered these submissions in the light of the material on record collected during the course of investigation, the written submissions made by the parties and the reported cases they have cited.

8. The aforesaid exercise clearly revealed that just before the accident the CCL and his friends had enjoyed alcohol in two hotels. After leaving the last hotel, the CCL sat at the driving seat to drive the car despite refusal by his private driver noticing he was in an inebriated state. The statements of the eyewitnesses and other friends of the CCL also indicate that the CCL and his three friends in the car had consumed alcohol and were under its influence. At the time of the accident, the CCL was driving the car at a speed of 100 kmph and the said motorcycle was running ahead of the car. The car driver,

therefore, cautioned the CCL to lower the speed but it was in vain and the CCL continued speeding. As a result, the car dashed the motorcycle from its behind and caused the accident resulting in the death of two innocent.

9. On scrutiny of the material on record, it transpired that, immediately after the accident, the Applicants Vishal, Shivani and other Applicants conspired with applicants Dr. Halnor and Dr. Taware through Applicants Ashpak Makandar and Amar Gaikwad to change the blood sample with those of accused Shivani, Ashish Mittal and Aditya Sood for the bribe amount of Rs.3,00,000/-. The statements of the witnesses recorded in this regard, are supported with the seizure of Rs.2,50,000/- from one student with whom that money was kept by Dr. Halnor on the say of Dr. Taware. The various CCTV footage and corresponding CDRs of the Applicants' mobile phone indicate that, around the time of medical examination of the CCL, his two friends and also at the time of handling and accepting the bribe money, the Applicants were in contact with each other, were at the same place and moving around each other. As such, there is substance in the claim of the prosecution that Dr. Halnor gave the 'NIL alcohol consumption report' and changed the samples on the say of or at the influence of Dr. Taware but for the bribe money. In this regard the Applicants Ashpak Makandar and Amar Gaikwad have actively abetted and supported.

10. Mr. Hiray submitted that after experiencing the blood sampling episode in the Sassoon hospital, the police wanted to take fresh blood sample of the CCL, his parents and Applicants Aditya Sood, Ashish Mittal and Arunkumar Singh, from Aundh Government hospital. However, as he submits, there also the parents of the CCL and Applicant Ashpak Makandar tried interfering with the investigation and influencing upon the Medical Officer to take the blood sample of Shivani instead of the CCL by accepting

whatever bribe money that he would desire. This submission find support from the statement of the Medical Officer from Aundh hospital.

11. Finally, the CA and the DNA report made it clear that, Dr. Halnor took the blood samples of the Shivani, Ashish Mittal and Aditya Sood but recorded it to be of the CCL, Naman Singh and Aayush Sood, to show that, the CCL was not drunk and under the influence of alcohol, therefore, the offence of the accident and Section 304 IPC is not made out against the CCL.

12. Looking at the material on record, it is apparent that, Applicant Vishal Agarwal cannot be said to be responsible for the accident because, it occurred behind his back and he was completely unaware of the circumstances in which the CCL occupied the driving seat. Similarly, it appears that, each accused has played different role and at different time. Nevertheless, the collective object of all the Applicants including their co-accused Shivani and Atul Ghatkambale was, to tamper with the evidence by falsification of the Medical Record in the Government hospital. This they wanted to accomplish with the help of their per-meditated conspiracy.

In fact, the investigation material including the C.A./D.N.A. reports clearly show that for obtaining the wrong blood samples for the purpose of C.A., completely different method of taking blood samples was adopted, which was only for the bribe amount. This prima facie conclusion is supported by the fact that, even at the stage of taking the fresh blood samples at Aundh hospital, same interference was tried to be made against the Medical Officer there.

13. Much has been argued by the learned Counsel to convince this Court that the act of falsification of the Medical Certificates, entries in the MLC

register and details on the labels affixed to the blood samples, would not attract the offence of Section 467 IPC. The same submission was declined on two occasions. Firstly, by the trial Court and secondly, by this Court while dealing with ABA of Applicant Arunkumar Singh.

In this regard the learned Judge of the trial Court considered the investigation material in the light of the definitions of the words "Document" (Sec.29 I.P.C), "valuable security" (Sec.30 I.P.C) and "Forgery" (Sec.467 I.P.C) and the cited decision in ***Ishwarlal Girdharilal Parekh*** (Supra). Having done such exercise, the learned Judge held thus :

> " 25. ...on account of efforts taken by the Investigating Officer to take the blood samples of CCL [redacted] was made with an intention to bring on record the correct status of the blood of CCL [redacted] and thereby the appropriate C. A. report demonstrating the correct state of intoxication could have been brought on record. Since on account of such exercise a legal right had arisen in favour of the Investigation agency, which could have been enforceable before this court, has been forged. Therefore, on the basis of the present case law, which can have complete application to the facts and circumstances of the present case, it can be inferred that there was forgery of valuable security. As such, the case law would have application to the case at our hand. Accordingly, the submission of Ld. Spl. P. P. Shri. Shishir Hiray regarding correct application of Section 30 and Section 467 of the IPC needs to be upheld.

In ***Ishwarlal Girdharilal Parekh*** (Supra) the element of the cheating end up in inducing the Income Tax Officer to make a wrong assessment order, therefore, it is held that it would amount to inducing the Income Tax Officer, to make a "Valuable Security'. Therefore, the learned Judge of the trial Court observed that, in the case in hand all the applicants conspired with one another and not only caused the change of the blood samples but also got

forged the Government record maintained in the Sassoon Hospital. It was done with a sole object or intent that the C.A. Certificates which will be brought on record in order to determine the bodily and mental condition of the CCL at the time of the accident, should mislead the Court to believe that the CCL was not at all intoxicated. As such, the trial Court has rightly concluded that the offence of Section 467 is attracted against the Applicants in this case, for which the maximum sentence provided in law is an imprisonment for life.

13.1 While dealing with the ABA No.2564 of 2024 filed by Applicant Arunkumar Singh, the learned Single Judge of this Court observed thus :

> "**24.** It is to be appreciated that the deception here was practised by labeling the subject blood sample as that of the minor son of the applicant, while in reality it was the blood sample of co-accused Ashish Mittal. The applicant, being the father of the said minor son, was part of the conspiracy under Section 120-B of the IPC to bring about such deception by affixing of label to show the blood sample to be that of the minor son while it was the blood sample of co-accused Ashish Mittal. It is the said label affixed on the blood sample that was the basis of deception, read with the documents created in conspiracy with co-accused Dr. Halnor. Hence, the contention raised on behalf of the applicant that blood sample is not a "document", pales into insignificance. It is due to this deception practised on the Assistant Chemical Analyzer that he had no knowledge of the nature of alteration, resulting in the said Alcohol Examination Certificate, being signed, sealed and executed. Viewed from this angle, the contention raised on behalf of the respondent – State that the applicant was very much part of the conspiracy in committing the offence under Section 464 of the IPC, holds good. There is a strong prima facie case made out against the applicant for offence committed under Section 467 of the IPC read with Section 464 thereof. The said document clearly answers the definition

> of "valuable security" under Section 30 of the IPC, as it certainly created a right in the accused minor son of the applicant of portraying innocence.

14. Additionally, it is important to note that, the false certificate issued by Dr. Halnor that the CCL and his friends were not drunk and under the influence of alcohol, could be used by the CCL and his friends, to contend that, the allegation of the police and the witnesses that they (boys) were drunk, is false, therefore, they have a right to be compensated on account of said false accusation. At the same time, the false certificates etc. extinguished the prosecution's right to claim and prove that the CCL and his friends had consumed alcohol; that, they were under its influence; and that, the said condition of the CCL resulted into this accident. The said certificate could be taken aid of by Applicant Vishal Agarwal to defend the compensation claim to be filed by the LRs of the victims of this accident.

15. The conspectus of above discussion is that there is a strong prima facie case against the Applicants of having entered into a criminal conspiracy to tamper with the prosecution evidence and to create false evidence with the help of false documents in the nature of Medial Certificate of the CCL and his friends that they were not under the influence of alcohol, false entries in MLC register to that effect and applying labels on the relevant blood samples but carrying false information about the person to whom the said blood samples was related. This the Applicants/accused persons did for the purpose of giving and accepting the bribe amount and to save the CCL from punishment of the offence of Section 304 IPC. Prima facie, this act is clearly covered by the provisions of Sections 466, 467, 468, 471, 109 read with Section 34 of the IPC and Sections 7, 7-A, 8, 12, 13 of the PC Act.

16. Now, therefore, the question is whether in the aforesaid background the Applicants are entitled for bail or not. In this regard the learned Counsel for the Applicants are right in claiming that there is no statutory embargo in this case for grant of bail like in the cases of the offences under the provisions of the PMLA or UAPA. It is also acceptable that since the investigation is completed, detention of the Applicants in jail is not necessary for further investigation. The Applicants are permanently residing in Pune alongwith their family. The prosecution has not raised serious concern that the Applicants are likely to abscond, if released on bail.

17. Looking at the decisions cited by the learned Senior Counsel appearing for the respective parties, there is no dispute about the principle to be followed that 'the basic rule is bail and not the jail'.

As observed by the Hon'ble Supreme Court in ***Manish Sisodia v/s. Directorate of Enforcement, 2024 INSC 595*** "... The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception".

18. However, in the case of ***State of Karnataka vs. Sri Darshan Etc., 2025 SCC OnLine SC 1720,*** on referring the earlier decisions on the law of bail and ***Pinki Devi & Ors. vs. The State OF Uttar Pradesh & Anr., 2025 INSC 482***, it is observed that bail jurisprudence is inherently fact-specific, each bail application must be decided on its own merits, in light of the well-settled parameters governing grant or denial of bail.

19. In the case of ***Amarmani Tripathi*** (Supra), in paragraph 18 it is observed and held thus :

> "**18.** It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see Prahlad Singh Bhati vs. NCT, Delhi (2001 (4) SCC 280 and Gurcharan Singh vs. State (Delhi Administration) AIR 1978 SC 179). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in Kalyan Chandra Sarkar vs. Rajesh Ranjan, 2004 (7) SCC 528 :
>
> > "11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other

circumstances, the following factors also before granting bail; they are:

> a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
>
> b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
>
> c. Prima facie satisfaction of the court in support of the charge. (see Ram Govind Upadhyay vs. Sudarshan Singh, 2002 (3) SCC 598 and Puran vs. Ram Bilas 2001 (6) SCC 338."

20. Considering the reported decisions cited by the parties, it is understandable that it is not the law that irrespective of the nature of crime and ignoring everything which is incriminating against any accused, Court must grant bail. On the contrary, as observed by the Hon'ble Supreme Court in ***the State of Rajasthan, Jaipur vs. Balchand, AIR 1977 SC 2447***, the basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. This enunciation clearly makes out that bail can be refused, if the exceptions noted above are made out in the given case.

21. If the facts of the case on hand are carefully read in the light of the principles of bail laid down in the reported decisions cited by the parties, what is significant to be considered in this case is, (i) severity of the punishment in the event of conviction, (ii) character, behaviour, means,

position and standing of the accused; (iii) reasonable apprehension of the witnesses being tampered with; and (iv) danger, of course, of justice being thwarted by grant of bail.

22. As noted above, there is a prima facie case against the Applicants of hatching a criminal conspiracy to tamper with and cause disappearance of the evidence with the help of false documents/forgery of valuable security. This act is punishable under Section 467 IPC for which the maximum punishment provided is 'imprisonment for life'. No doubt, this offence is non-cognizable, but non-bailable including certain associated offences.

23. Needless to state that it is only the evidence in the case which helps a Court of law to do justice to the parties in the case. The object of police investigation in a crime is to collect evidence on behalf of and in the trust for the State, with an avowed object of producing it before Court of law to get justice to the victim of crime. Yet, in the case in hand, the Applicants jointly tried eroding that very way of the justice to be done to the two innocent, who died in the accident at very young age. As such, the offence is serious.

24. From the facts and circumstances of the case and the material on record, it is evident that Applicants Vishal Agarwal and Arunkumar Singh are financially well placed. Witnesses like the private drivers, watchmen and domestic aid were working with them for a considerable time prior to the accident. Arunkumar Singh and Ashish Mittal are very close to each-other. The hospital staff who are witnesses and were associated with the Dr. Halnor to take the blood samples etc., are his subordinates. The student from whom the bribe money was recovered is junior to Dr. Halnor. All these witnesses including Dr. Halnor have been working under Dr. Taware.

The statement of the car driver of Applicant Vishal indicates that the grandfather of the CCL tried the money power to make him accept that he was driving the car at the relevant time.

In the wake of above, if bail is granted to the Applicants even subjecting them to stringent conditions, there is every possibility of their tampering with the prosecution evidence using their money power and superiority dominance. This would ultimately thwart the course of justice in this case which was exposed to danger soon after the accident, because, as highlighted by the learned Special PP, there was unusual delay in the medical examination of the CCL and his two friends. Secondly, the belatedly recorded statement of Adi Shaikh also hints at that danger.

25. As a last-ditch, it is emphatically submitted that the grounds of arrest were not communicated to the Applicants. This is violation of their fundamental right under Article 22 (1) of the Constitution. Therefore, on this ground alone they are entitled for bail. To support this submissions, reliance is placed on following decisions.

Ahmed Mansoor and Ors. vs. The State, rep. by Assistant Commissioner of Police and anr.	2025 SCC OnLine SC 2650
Lalit Shyam Tekchandani vs. The State of Maharashtra and another	2024 SCC OnLine Bom 3817
Ajit Kisan More vs. The State of Maharashtra	Cril. Writ Petition No.3119 of 2025
Vihaan Kumar vs. State of Haryana and Another	(2025) 5 SCC 799
Mihir Shah vs. State of Maharashtra	2025 INSC 1288
Kasireddy Upender Reddy vs. State of Andhra Pradesh and Others	2025 SCC OnLine SC 1228
Pankaj Bansal vs. Union of India	(2024) 7 SCC 576
Prabir Purkayastha vs. State (NCT) of Delhi	(2024) 8 SCC 254
Dinesh Bhabootmal Salecha vs. Directorate Revenue Intelligence, Mumbai Zone	Bail Appln. (ST) No. 2191 of 2022
Lalit Shyam Tekchandani vs. State of Maharashtra and	2024 SCC OnLine Bom

Another	3817
Bharat Pukhraj Chaudhary vs. State of Maharashtra and Another	2024 SCC OnLine Bom 3515
Mahesh Pandurang Naik vs. State of Maharashtra	2024 SCC Online Bom 3918
Mohammad Aslam Mohammad Merchant vs. State of Maharashtra	Bail App No. 986 of 2025
Harikisan vs. State of Maharashtra	1962 SCC Online SC 117
Ashish Kakkar vs. UT of Chandigarh	(2025) SCC Online SC 1318

25.1 In reply, Mr Hiray pointed out the Arrest Forms of the Applicants and submitted that the procedure necessary to be followed before arrest of an accused, was observed before arresting the Applicants. Said fact is also stated in the Additional Affidavit, which is not controverted. He submits that, looking at the facts and circumstances of the case, all the Applicants were aware of their act and role in the crime. The Applicants could not point out as to what prejudice has been caused to them on account of not informing the grounds of arrest in writing. Therefore, the said ground is not available for their release on bail. To agree with these submissions, the learned Special PP has relied upon the decision in ***Sri Darshan Etc.*** (Supra) and ***Mihir Rajesh Shah Vs. State of Maharashtra, 2025:BHC-AS:50476***.

25.2 The reported decisions cited by the learned Counsel for the Applicants approve such a release. Nevertheless, it cannot be forgotten that whether in the given case bail should be granted on not, is purely a discretion of the Court dealing with such question of bail. Like the accused in this crime, the victims, who died in the accident, were equal before the law and entitled for equal protection of the laws in view of Article 14 of the Constitution. It is trite that the former is a negative concept as it implies the absence of any privilege in favour of any person and the later is a positive concept as it expects a positive action from the State. In my considered view, safeguarding the justice to be done to the victims of the crime/their families is one of the facets

of Article 14. Therefore, if there are some mistakes or intentional/accidental procedural lapse on the part of the police, who investigated into the crime, the same cannot be allowed to control the very discretion of the Court as to the bail relief. Otherwise, it would cause a serious dent to the principle enshrined in the Constitution that "everyone is equal before the laws", which is also available to the victim of crime. Needless to state that victims of crimes are not controlling the police procedure of arrest of the accused of the crime. Therefore, in cases like the one in hand, the victims cannot be made to suffer for the mistakes or lapse on the part of the police.

25.3 In this context it would be apt to refer the decision of this Court in ***Mihir Shah*** (Supra). That reported case is similar to the case in hand in so far as the manner/cause of the accident and post accident disrespect exhibited towards the victims of the accident is concerned. While dealing with the question of releasing ***Mihir Shah*** on account of not communicating in writing the ground of his arrest thereby leading to violation of his right under Article 21 and 22 of the Constitution and Section 47 of the Bharatiya Nagarik Suraksha Sanhita 2023 (earlier Section 50 Cr.P.C.) and taking an exception to the law in the field, the learned Single Judge of this Court, in paragraph 21 thereof, observed and held thus :

> " For too long, the victims of crimes have been the forgotten persons in a criminal justice system. Crime is not a problem of the victim, since the victim did not create it.
>
> For considerable time, what the system offered to the victim was only sympathy, but with the introduction of discipline of "victimology" the concept has gained momentum and found its place in the existing Code of Criminal Procedure, when the victim was introduced by providing a definition in Section 2 (*wa*) of the Code of Criminal Procedure, 1908. Since the Indian Constitution through Article 39A cast an obligation upon the State to ensure

that the operation of legal system promotes justice, on the basis of equal opportunity and in particular, in providing free legal aid, by suitable legislation or schemes, or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or any other disabilities. The principle enshrined in Article 51A of the Constitution, to develop 'humanism' imaginatively, has the seeds of victimology in it.

The Code of Criminal Procedure in its amended form as well as the new The Bhartiya Nagarik Suraksha Sanhita (BNSS) has conferred several rights on the victim including pre-trial rights i.e. of keeping the victim informed about the progress of investigation, filing of charge-sheets/closure reports and also a participation in the hearings to be conducted, including the Bail Applications. A specific provision in the new Sanhita in form of Section 123 has given right to the victim to present objections against the Bail ensuring the victim's safety. The victim's consent and participation is made mandatory during plea negotiations.

During the trial, victim is held entitled to legal assistance, either by appointing a private counsel or through a counsel to be provided through legal aid. Post trial, the victim is conferred with right to file Appeal against acquittal, challenge the conviction on lesser charge or inadequate sentence. In addition, the victims are also entitled to compensation from the State, irrespective of the accused conviction status and the scheme of compensation being implemented by the District Legal Services Authority.

The moot question that exists today is whether the victims right to representation is sufficiently addressed in the adversarial nature of trials and as to how shall the Courts balance victim's participation with the accused's right to a fair trial, including respecting the rights guaranteed to an accused being translated through the provisions of the Constitution or the Code of Criminal Procedure.

....

> While we balance the rights of the accused which have been weighed on the parameters of life and liberty as enshrined in the constitution, we are of the firm view that the rights of the victim will also have to be tested on the same parameters of Article 21, which guarantees right to life and liberty and is equally applicable to the victim of the crime, before us."

25.4 In the wake of above, considering the facts and circumstances of the case and the Petitioners ***Mihir Shah*** (Supra) being aware of as to how the crime was committed while he was driving the car in question and his showing no sensitivity towards the victims of the crime, this Court declined to release him for the reason of not communicating the grounds of arrest observing that, "Despite the fact that we are conscious of the position of law laid down by the Hon'ble Apex Court, and which we are bound to follow, we are making an exception in case of the present petitioners, as they were aware of their gruesome act ... ."

26. In the case in hand, the Applicants and their co-accused were not only duty bound but also aware that they should support the police for proper investigation for collection of the evidence. Yet, they all including Dr. Halnor, Dr. Taware and Atul Ghatkambale became ready to tamper with and cause disappearance of the evidence for money. While doing so, all the Applicants were aware as to what they were doing is illegal and the serious consequences of the said act. As such, the Applicants are duty bound to explain as to what demonstrable prejudice or denial of a fair opportunity to defend has been caused to them on account of not informing in writing the grounds of their arrest prior to the arrest. However, no such prejudice is pointed out from the record. Therefore, and considering the decision in ***Sri Darshan Etc.*** (Supra), the submission that 'the grounds of the arrest' in writing were not communicated to the Applicants/accused before arresting them will not come to their rescue.

26.1 In the case of ***Mihir Shah*** (Supra), it is observed that, "Admittedly, the petitioners apprehending that their applications for being released on bail on account of seriousness of the offence may not receive positive consideration have chosen not to file the bail applications." This observation coupled with the rights of the victims of crime and rejection of the said Petitions clearly indicate that, failure of the police to observe the legal procedures of arrest was not allowed to be a provision for release from jail.

27. Mr. Gupte, the learned Senior Counsel submitted that the Applicant Amar Gaikwad is suffering from obesity and diabetes. Therefore, he is in need of regular medical attention. However, no material is pointed out to show as to which specific and urgent medical treatment is required by Applicant Amar Gaikwad for his said medical condition. In fact, that medical ground is neither raised in his Bail Application nor the relevant medical papers are produced to support it. As observed in ***Sri Darshan*** (Supra), the Hon'ble Supreme Court has consistently held that bail granted on medical grounds must be based on credible, specific, and urgent need, not on general or future apprehensions.

28. Considering the facts and circumstances of the case thus, the apprehension of the prosecution that the Applicant would tamper with the prosecution witnesses/evidence is well founded. Therefore, this is not a fit case to exercise the discretion of bail in favour of the Applicants, at least, till the examination of the material prosecution witnesses is over, who are vulnerable to pressurising or any other influencing tactics leading to their turning non-supportive or hostile to the prosecution case. This way, the rights of both the parties would remain intact. I am, therefore, persuaded to reject these Applications and reject the same, accordingly.

29. The trial Court rejected the prayer for bail, at least, till the evidence of most of the material witnesses is recorded during the course of trial. The Applicants are behind bars for the last 18 months. Therefore, the trial Court to frame the charge as early as possible and hear the material prosecution witnesses at the earlier. In view thereof, liberty is granted to the Applicants to renew their prayer for bail before the trial Court after the material prosecution witnesses are over.

If advised for, the Applicant – Amar Gaikwad may file an appropriate Application before the trial Court for necessary relief on account of his medical condition. If such an Application is filed, it shall be decided by the trial Court on its own merit.

30. It is made clear that the observations made herein are prima facie and are limited to these Applications. The learned Judge of the Trial Court to decide the case on its own merits, uninfluenced by the observations made herein.

31. As a result, all the Interim Applications stand disposed of.

(SHYAM C. CHANDAK, J.)