



Diksha Rane

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

BAIL APPLICATION NO.3389/2023

TUSHAR PANDITRAO NIKAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Shailesh D. Chavan for the applicant.
Ms. Rutuja Ambekar, APP for the State.
Adv. Rohan Hogle for the injured victim.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the injured victim.
- 2.** This is an application for bail in respect of the offence punishable under Sections 143, 144, 147, 148, 149, 307, 323, 324, 326, 504, 506, 120-B of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 37 (1)(3), 135 of the Maharashtra Police Act, registered on 7/5/2023 vide C.R. No.307/2023 with Umbraj Police Station, Satara.
- 3.** There are in all eight accused. The applicant is the accused no.4. The applicant was arrested on 7/5/2023. It is

alleged that the injured witness was called by the accused persons whereupon he was questioned as to why is he raising all kinds of objections during the Gramsabha meetings. The accused persons started assaulting the injured witness. In the assault that ensued, one of the accused assaulted the injured witness with a sickle on the hand which resulted in amputation.

4. As regards the role of the present applicant, it appears from the statement of the injured witness that when the injured witness reached the spot, the present applicant along with one other accused held his hand. After injured witness was assaulted with the fists and kicks blows, he fell down. Thereafter, the injured witness was questioned by other accused as to why the victim is raising objections in the Gramsabha meetings. It is then that the co-accused assaulted the injured with a sharp edged weapon.

5. Learned counsel for the injured witness appeared and submitted that the injured witness has no objection for enlarging the applicant on bail. I must make it clear that I am not impressed with the concession given on behalf of the injured witness considering the nature of the

accusations. *Prima facie*, I find substance in the contention of learned APP that there is a possibility of tampering with the injured witness.

6. In this view of the matter, though I am inclined to enlarge the applicant on bail, it is necessary to impose stringent conditions to ensure that the witnesses are protected and can depose fairly and freely during trial. If the witnesses are in need of any protection, it is open for the witnesses to make appropriate application in that regard to the trial Court or to the police department which can be considered in accordance with law.

7. There is one criminal antecedent reported against the applicant of the year 2015. Having regard to the nature of the criminal antecedent that cannot by itself be a factor to deprive the applicant the facility of bail. Considering the role of the present applicant and that now the investigation is complete and charge-sheet has been filed, I am inclined to enlarge the applicant on bail but by imposing stringent conditions. The investigation is complete. The charge-sheet has been filed. The applicant is in custody for almost seven months. The trial is unlikely to conclude soon. Hence, the

following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Tushar Panditrao Nikam in connection with C.R. No.307/2023 registered with Umbraj Police Station, Satara, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) On being released on bail, the applicant shall furnish his contact number and residential address while residing out of Satara District to the Investigating Officer and shall keep him updated, in case there is any change.
- (d) The applicant shall attend the Investigating Officer of the nearest police station to the place of his residence while residing outside Satara District, once in a fortnight, on first and third Sunday of every Month, between 11.00 a.m. and 1.00 p.m. till the trials conclude.
- (e) Except for attending this trial and other cases and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Satara District till the trial concludes. The applicant shall intimate the investigating officer two days in advance about the dates of hearing when he is required to enter so that adequate arrangements can

be made to ensure protection to the witnesses.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)