



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

BAIL APPLICATION NO. 3828 OF 2023

NILESH ASHOK SAPKAL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aniket Nikam a/w Mr. Amit Icham for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 302, 307 read with 34 of the Indian Penal Code and Section 4(25) of the Indian Arms Act, registered on 27/02/2023 vide C.R. No.29 of 2023 with Kasegaon Police Station, District Sangli.
3. The applicant is accused No.4. There are in all 4 accused. The applicant was arrested on 01/03/2023. The date of the incident is 27/02/2023. It is the case of the prosecution that there was some dispute between the accused and the deceased. As per the version narrated by

an eyewitness, the role is attributed to Hanmant Subrao Patil and Akash Raghunath Patil who had weapons in their hands.

4. So far as the present applicant is concerned, no specific role is attributed to the present applicant. In such a view of the matter, I am inclined to enlarge the applicant on bail by imposing certain conditions. Though learned APP opposed the application contending that the applicant shared common intention with other accused in the murder of the deceased, in the facts and circumstances of the present case, the aspect of the applicant sharing common intention is a matter to be considered at the stage of trial. The investigation is complete and the charge sheet is filed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Nilesh Ashok Sapkal in connection with C.R. No. 29 of 2023 registered with Kasegaon Police Station 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) The applicant shall attend the Investigating

Officer of Kasegaon police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.

(d) Except for attending the trial, the applicant shall not leave the jurisdiction of Kasegaon police station till further orders of the trial Court.

(e) 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.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

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

5. The application is disposed of.

6. It is made clear that the observations are *prima facie* for the purpose of considering this application for bail and shall not influence the trial Court.

(M. S. KARNIK, J.)