



Diksha Rane

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

BAIL APPLICATION NO.149/2024

YASH DEEPAK NIKAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ajit J. Kenjale a/w. Adv. Kaustubh K. Kandpile, Adv. Sai R. Kadam, Adv. Azharuddin Khan, Adv. Prachi Deokar for the applicant.

Mr. A. A. Naik, APP for the State.

HC D. D. Gaikwad, Satara Taluka Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail. The co-accused Vithal Maruti Chavan has been enlarged on bail by an order dated 18/12/2023 passed by this Court the order reads thus :-

“2. This is an application for bail in respect of the offence punishable under Sections 302, 143, 146, 147, 148, 149, 506 of the Indian Penal Code (hereafter ‘IPC’ for short) and under Sections 37(1)(3) of the Maharashtra Police Act registered on 04.06.2023 vide C.R. No.242 of 2023 with Satara Taluka Police Station.

3. There are in all 25 accused. The applicant is the accused No.14. The date of the incident is 06.05.2023. The incident occurred post a quarrel on account of outraging the modesty of the niece of the first informant by co-accused

Ganesh Yuvraj More. It is alleged that on 06.05.2023 the deceased was assaulted by 22-25 persons. The assault was by the iron rod and fist and kick blows. The applicant was named in the FIR which was filed by the informant who is the father of the deceased. The victim died on 15.07.2023 and therefore Section 302 of the IPC came to be added. So far as the present applicant is concerned the role attributed to the applicant is fist and kick blows.

4. Learned APP opposed the application for bail and invited my attention to the statement of an eye witness - Nayan Tanaji Pawar, who is the nephew of the complainant which is at page 545 of the paper book.

5. The applicant was arrested on 12.07.2023. The investigation is complete and the charge-sheet has been filed. The applicant does not appear to be a flight risk. Considering the role of the applicant and in the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant."

3. The present applicant is the accused no.3. So far as the role of the present applicant is concerned, it is alleged that the applicant assaulted the deceased on his stomach with an iron rod. The date of the incident is 6/5/2023. From the materials it seen that the deceased was admitted in the hospital on 11/5/2023. On the date of the admission, there was no mention of the assault by the accused as it is the case of the complainant whose statement was recorded only on 2/6/2023 that there was some compromise as a result of which the incident of assault by the accused persons was not reported. The victim died on 15/7/2023. The opinion as to the cause of death is "peritonitis and septicemia in an

operated case for jejunal perforation and intestinal gangrene in a diagnosed case of chronic liver disease and portal Hypertension with blunt trauma to abdomen.”

4. The assault by the applicant was by the iron rod but it was not on the vital part of the body. *Prima facie*, it does not appear that the applicant was aware that the deceased was suffering from chronic liver disease and hence, it does not appear that the intention of the applicant was to cause the death of the victim.

5. The applicant was arrested on 7/6/2023. The applicant is 19 years of age. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. There is a delay in recording the statement of the complainant. The applicant is in custody for more than seven months with no possibility of the trial concluding any time soon. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail with conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Yash Deepak Nikam in connection with C.R. No.242 of 2023 registered with Satara Taluka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Satara Taluka Police Station once in three months on the 1st Monday of the month between 11.00 a.m. and 1.00 p.m. commencing from January, 2024.
- (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.
- (h) The applicant is put to notice that if there is any allegation about tampering with the evidence or threatening the witnesses, the same shall be viewed seriously which may result in cancellation of bail.

(i) The applicant shall not enter village Pangare, District - Satara, till such time the condition is modified by the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)