

AGK

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

BAIL APPLICATION NO.988 OF 2024

Arvind @ Aryan Avinash Nalawade	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. S.I. Kantharia for the applicant.

Mr. Sagar R. Agarkar, APP for the respondent-State.

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2025.06.30
17:44:20
+0530

CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No.189 of 2023 registered with Vanrai Police Station, Mumbai. The applicant has been arrested in connection with offences punishable under Sections 302, 307, 324, 504, 506 read with Section 34 of the Indian Penal Code.
2. The case of the prosecution, as per the contents of the First Information Report dated 27 May 2023, is that the co-accused Aditya assaulted the deceased using a knife. The FIR was lodged soon after the incident and it clearly attributes the fatal assault to the said co-accused.
3. It is only on 30 May 2023—three days after the FIR—that a supplementary statement of the informant came to be recorded. In

this supplementary statement, the informant stated that the present applicant had also assaulted the deceased using a cement sheet. Based on this additional statement, the applicant was arrested on 31 May 2023.

4. Learned Advocate for the applicant submits that the role of the present applicant has not been disclosed in the initial FIR, which was registered within two hours of the incident. It is argued that the core narrative of the incident, as originally narrated by the informant herself, made no reference to the present applicant. The subsequent allegation made three days later, that too by way of a supplementary statement, raises serious doubts about the veracity and spontaneity of the allegation. It is further submitted that the applicant has no criminal antecedents and is in custody since 31 May 2023.

5. On the other hand, learned APP submits that the role of the present applicant, as disclosed in the supplementary statement of the informant, is corroborated by the statement of one independent witness—Deepak Pawar—who has also attributed the act of assault with a cement sheet to the applicant. The prosecution, therefore, opposes the bail application on the ground that there is material to prima facie implicate the applicant in the offence of murder.

6. I have perused the charge-sheet as well as the statements of the informant and the witness Deepak Pawar. The initial FIR, which forms the basis of the prosecution case, was lodged promptly and sets out the events in a detailed and chronological

manner. The entire blame in the FIR is laid on co-accused Aditya for assaulting the deceased with a knife, which allegedly caused the fatal injuries. The supplementary statement attributing additional role to the applicant came to be recorded after a gap of three days and appears to be an improvement to the original version. While the statement of Deepak Pawar lends some support to the supplementary version, the delay and contradiction in the versions creates room for doubt.

7. The applicant is in custody since 31 May 2023. The investigation is complete and charge-sheet has already been filed. The applicant has no past criminal record. There is no allegation that the applicant may abscond or tamper with the prosecution evidence. The trial is likely to take considerable time.

8. In view of the above circumstances, particularly the improved version in the supplementary statement, absence of any antecedents, and the fact that the trial is yet to commence, I am of the opinion that a case is made out for grant of bail to the applicant.

9. Hence, following order:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.189 of 2023 registered with Vanrai Police Station for offences punishable under Sections 302, 307, 324, 504, 506 and 34 of the IPC, upon furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent

sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - c) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - d) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - e) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.
10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)