

Nikita

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

BAIL APPLICATION NO.4095 OF 2024

Asif Ibrahim Patel

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Akshay Deshmukh a/w Mr. Sanket Kadam a/w Ms.
Sweta Dave i/b Mr. Aniket Pawar for the Applicant.

Dr. A. A. Takalkar, APP for the State.

Mr. R. A. Bhaskar, PSI, Bhosari Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16th JULY, 2025

P.C.:

1. Heard Akshay Deshmukh, learned Advocate for the Applicant and Ms. A. A. Takalkar, learned APP for the State.
2. Applicant by the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.1032 of 2023 registered with Bhosari Police Station, Pimpri Chinchwad for the offences punishable under Section 302 read with Section 34 of the IPC, 1860. Said crime is now registered as Sessions Case No.524 of 2024 and is pending on the file of Additional Sessions Judge Pune.
3. FIR was registered on the basis of a complaint lodged by

Shankar Kamble. Case of the prosecution is that Gautam (deceased) was assaulted, Gautam suffered injuries and ultimately succumbed to those.

4. There are three Accused in the crime. Accused No.1 whereas Sadik Miyasaheb Shaikh is Accused No.2.

5. Criminal Bail Application No.527 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge Pune by its order dated 08.02.2025.

6. Mr. Akshay Deshmukh, learned Advocate for the Applicant submits that the case alleged against the Applicant is of circumstantial evidence. He submits that there is no material to indicate the Applicant having committed the offence. He submits that even if the allegations against the Applicant are considered, the material does not indicate any intention on the part of the Applicant to commit murder of Gautam. He submits that Accused No.2 on similar facts has been released on bail by this Court by order dated 27.08.2025 passed in Criminal Bail Application No.2328 of 2024 (page No.146 of paper book). He submits that the Applicant does not have any criminal antecedents.

7. Ms. A. A. Takalkar, learned APP for the State submits that the offence charged against the Accused is serious offence. She submits that the presence of the Applicant at the place of the incident is established from the material on record. She submits that though, the case is based on circumstantial evidence, a bamboo was recovered at the instance of the Applicant. She submits that the medical opinion indicates that the injury caused

to the deceased can be caused by the bamboo.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Charge-sheet filed in the present crime reveals that the case is of circumstantial evidence. Applicant is alleged to be present at the scene of offence. There is no material on record to indicate the Applicant having assaulted the deceased. Similarly, the material on record does not indicate prior intention on the part of the Applicant to commit the murder of Gautam. Accused No.2 who was arrested on the ground of he being present along with the Applicant was released on bail by this Court.

10. Material placed on record is inferential in character, which at the most may raise a suspicion. Prosecution will have to prove the circumstances relied during trial. Prima facie, the material is not so compelling to deny bail to the Applicant.

11. Mr. Akshay Deshmukh, learned Advocate for the Applicant states that the Applicant was arrested on 24.12.2023, however till date charge is not framed in the Sessions Case No.524 of 2024.

12. Considering the above said circumstances, this would be a fit case of granting bail to the Applicant.

13. In view of the above, the present Bail Application is allowed, on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.1032 of 2023 registered with Bhosari Police Station, Pimpri Chinchwad, on his furnishing

PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

b) Applicant shall attend and regularly appear before the Additional Sessions Judge Pune in Sessions Case No.524 of on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Bhosari Police Station Pimpri Chinchawad, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

14. The Bail Application No.4095 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)