

Nikita

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

BAIL APPLICATION NO.81 OF 2025

Bindya Audram Yadav ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Kuldeep Nikam for the Applicant.

Ms. M. H. Mhatre, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23rd JULY, 2025

P.C.:

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Ms. M. H. Mhatre, learned APP for the State.

2. Applicant by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.898 of 2022 registered on 31.10.2022 with Yawat Police Station, Pune for the offences punishable under Sections 302, 504 and 506 of the Indian Penal Code. Said crime is registered as Sessions Case No.38 of 2023 and is pending on the file of the Court of Additional Sessions Judge, Baramati.

3. Case of the prosecution is that on 24.10.2022, Bindra Audram Gautam (deceased), along with his brother-in-law were doing labour work at the sugarcane produce outlet of one Salim Faridi. At that time, Applicant came there and started to abuse

Bindra Audram Gautam. Said abuse resulted in a fight between the Bindra Gautam and the Applicant. During the said fight, Applicant picked up a iron rake lying nearby and hit the right side abdomen of the Bindra Gautam. Bindra Gautam succumbed to the injuries on 01.11.2022.

4. Applicant was arrested on 05.11.2022 since then he is jail.

5. Mr. Kuldeep Nikam, learned Advocate for the Applicant, submits that the alleged incident occurred at the spur of the moment. He submits that there was neither any intent nor any intention to cause harm or death of the Bindra Gautam. He submits that the Applicant does not have any criminal antecedents. He submits that the investigation is complete and the charge-sheet is filed. He submits that though charge is framed in the Sessions Case No.38 of 2023, however the trial has not commenced.

6. Ms. M. H. Mhatre, learned APP for the State submits that the involvement of the Applicant is established in the present crime. She submits that there are eye-witnesses, who have witnessed the abuse and assault on Bindra Gautam by the Applicant. She submits that iron rake used in the assault, was recovered from the place of the incident.

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

8. Material placed on record indicates that a verbal abuse commenced at the instance of the Applicant. Said abuse resulted in a fight and thereafter in an assault on Bindra Gautam. Witnesses to the incident claim that the verbal abuse turned violent resulting

in Applicant picking up iron rake, which was lying at the site of the incident and hit the same on the abdomen of Bindra Gautam. I find substance in the contention of Mr. Kuldeep Nikam, learned Advocate for the Applicant, to the extent that the abuse and assault on 24.10.2022 was not a premeditated act and happened at the spur of the moment.

9. Iron rake alleged to be used in the assault is recovered. Applicant is in jail since November, 2022. Trial has not commenced. Mr. Kuldeep Nikam states that the Applicant does not have any criminal antecedents. In such circumstances and considering the nature of allegations, in the crime, incarceration of the Applicant during the pendency of the trial is not warranted.

10. 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.898 of 2022 registered with Yawat Police Station, Pune 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, Baramti.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Baramti in Sessions Case No.38 of 2023 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall report to the Investigation Officer, Yawat Police Station, Pune on first Saturday of every month from 10.00 am to 1.00 pm till the examination of the

witnesses in the crime is complete in Sessions Case No.38 of 2023.

d) 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.

e) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Yawat Police Station, Pune 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.

11. The Bail Application No.81 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)