

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

CRIMINAL BAIL APPLICATION NO. 131 OF 2025

Sumit Balu Jadhav

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Akshay Bankapur, Advocate for the Applicant.

Ms. Manisha Tidke, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th AUGUST, 2025.

P.C. :

1. Mr. Akshay Bankapur, learned Advocate for the Applicant and Ms. Manisha Tidke, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No.173 of 2024 registered with Upnagar Police Station, Nashik for the offences Punishable under Sections 302, 120(B), 144, 148, 149, 504 read with Section 34 of IPC, provisions of the Maharashtra Police Act and Sections 4/25 of Arms Act is registered against the Applicant. Said crime is registered as Sessions Case No. 272 of 2024 and is pending before the Court of Additional Sessions Judge, Nashik.

3. There are 7 Accused in the present crime. Applicant is Accused No.5.

4. Case of the prosecution is that Akash Tapase (Accused No.1) and Prem Dhengale (Accused No.6) assaulted Arman Munawar Shaikh (deceased) by means of sharp weapons. Other persons Accused in the present crime are said to have assisted the Accused No.1 and Accused

No.6 in the said crime.

5. Applicant was arrested on 9th May, 2024. Bail Application at Exhibit-16 filed in Sessions Case No.272 of 2024 was rejected by the Additional Sessions Judge, Nashik vide order dated 23rd December, 2024.

6. Mr. Akshay Bankapur, learned Advocate for the Applicant, submits that the Applicant has been falsely implicated in the present crime. He submits that the Applicant is neither named in the FIR nor does the charge-sheet indicate involvement of the Applicant in the crime. He submits that the Applicant has been implicated in the crime on the basis of a statement made by Prathmesh Ashok Patil who happens to be the friend of Accused No.3. Prathmesh Ashok Patil has made vague reference to the Applicant along with Accused No.1 and Accused No.6 and two unknown persons having visited him and changed their clothes at his place. Apart from the said statement, there is no other material to show the involvement of the Applicant in the present crime.

7. Ms. Manisha Tidke, learned APP for the State, submits that Prathmesh Ashok Patil had made reference to the involvement of the Applicant in the present crime. She submits that Prathmesh Ashok Patil has stated that the Applicant, Accused No.1, Accused No.6 and two other unknown persons had come to his place and changed their clothes and kept the same in a bag. She submits that the clothes are stained with blood. Upon the statement of Prathmesh Ashok Patil being recorded Prathmesh Ashok Patil voluntarily produced the bag along with the clothes to the police.

8. I have perused the records with the assistance of the learned Advocates.

9. Applicant is not named in the FIR. FIR was registered by Hitesh Dadabhau Khalse (Informant) who was the friend of deceased Arman. Applicant has been arrayed and implicated in the crime on the basis of the statement made by Prathmesh Ashok Patil. Prathmesh Ashok Patil has made reference to the Applicant and the other Accused in crime having visited the house of Prathmesh Ashok Patil and changed their clothes. Bag containing the clothes of the Applicant and others was produced by Prathmesh. Though the prosecution claims to have recovered blood-stained clothes, there is no material to indicate or connect the said clothes to the Applicant and/or connect the blood on the said clothes to deceased Arman. It is not the case of the prosecution that the Applicant was involved either in the assault or committing murder of that the deceased Arman. Charge-sheet does not indicate any such material. Ms. Tidke was unable to point out any material from the record to show the involvement of the Applicant in the crime.

10. Considering the nature of evidence and material on record, the complicity of the Applicant in the present crime, prima facie is not established.

11. In view of the above, the Application is allowed on the following terms :-

(a) Applicant be released on bail in Crime No. 173 of 2024 registered with Upnagar Police Station, Nashik upon furnishing P.R. Bond in the sum of Rs. 25,000/-each with one or two sureties

in the like amount, to the satisfaction of the Additional Sessions Judge, Nashik District.

(b) 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 such person from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(d) Applicant shall attend and regularly appear before the Additional Sessions Judge, Nashik in Sessions Case No. 272 of 2024 on each date of hearing unless exempted specifically by the Court.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Upnagar Police Station Dist. Nashik.

(d) Applicant shall attend and report before the Investigation Officer, Upnagar Police Station, Nashik on the first Saturday of every month from 10.00 a.m. to 12.00 p.m., till the framing of charge in Sessions Case No.272 of 2024.

12. Criminal Bail Application No. 131 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)