

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

CRIMINAL BAIL APPLICATION NO. 514 OF 2025

Shri. Sahil Bhimingsingh Rathod

...Applicant/
Accused No. 2

Versus

The State of Maharashtra

...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 515 OF 2025**

Shri. Nilesh Nemu Pawar

...Applicant/
Accused No. 1

Versus

The State of Maharashtra

...Respondent

Mr. Ajinkya M. Udane (Through VC) a/w Mr. Vinayak Pandit and Mr. Sufyaan Mansuri, learned Advocates for the Applicants.
Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.
PSI Mr. S. H. Bhundere attached to Alibaug Police Station, District-Raigad is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 24th JULY 2025.**

P.C. :

1. Heard Mr. Ajinkya Udane, learned Advocate for the Applicants and Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.
2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicants are before this Court seeking regular bail in connection

with Crime No. 79 of 2023 registered with Alibag Police Station, District-Raigad for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, 1860 ("IPC" for short).

3. Mr. Ajinkya Udane, learned Advocate for the Applicants submits that the abovesaid crime is registered as Sessions Case No. 33 of 2023 and is pending on the file of learned Additional Sessions Judge, Raigad-Alibag.

4. There are two accused in the present crime. Applicant No. 1 (Accused No. 1) was arrested on 18th March 2023 and Applicant No. 2 (Accused No. 2) was arrested on 23rd March 2023, since then they are in jail. Criminal Bail Application at Exhibit-3 in Sessions Case No. 33 of 2023 filed by Applicant No. 1, was rejected by the learned Additional Sessions Judge, Raigad-Alibag by order dated 11th January 2024.

5. Case of the prosecution is that deceased Nathuram Pawar was working as Peon in Union Bank of India, Branch-Alibag. Applicant/Accused No. 1 is the real cousin brother of informant Dhondiram Pawar and deceased Nathuram Pawar. Nilesh had paid deceased Rs. 1,00,000/- for securing job for him in Union Bank of India. Informant could not arrange the job and even after demand of money deceased Informant did not repay the amount to Applicant Nilesh. Applicant/Accused No. 2 Sahil is the brother-in-law of Nilesh. Nilesh alongwith Sahil hatched conspiracy to kill Nathuram, so that after death of Nathuram, Nilesh could get a job. On fatal day, i.e., on 13th March 2023, both accused persons visited the Union Bank of India, where deceased was working, they took

the deceased with them to cremation ground at Village-Palhe. There they assaulted deceased with two sharp edged Koytas/Scythes, by giving multiple blows and deceased Nathuram died on spot. They covered the body of Nathuram under the grass and returned to Alibag. While returning, they purchased new clothes as their clothes were having blood stains. On their return to Alibag they went to Varsoli Beach, at sea took a bath and then returned to bank to inquire about the deceased. They inquired with Manager of the bank, so also the widow of deceased. On 14th March 2023 body of Nathuram was found by villagers and police were informed. Police completed needful formality in respect of body of Nathuram and when the police had searched said spot where the body was found, they found the Adhar Card of Applicant/Accused No. 1. Accused No. 1 was arrested from Gulbarga in the State of Karnataka and they recovered two Scythe at his instance and clothes thrown in the bushes as well as one two wheeler.

6. Mr. Ajinkya Udane, learned Advocate for the Applicant submits that material on record does not indicate the complicity of the Applicants in the present crime. He submits that the prosecution case is based on the circumstantial evidence. He submits that the trial is in process and therefore, there is no likelihood of the Applicants tampering the prosecution evidence, if released on bail.

7. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent submits that the trial in Sessions Case No. 33 of 2023 has proceeded substantially. She submits that the prosecution has examined most of the witnesses. She on instructions from the

Investigating Officer, submits that the prosecution will examine two more witnesses and close the prosecution evidence. She submits that the matter is now kept on 4th August 2025. She submits that the trial having reached at a fag end and the crime in the present case being a serious offence, there is sufficient material to show involvement of the Applicants in the present crime. She therefore opposes the bail.

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

9. Perusal of the charge-sheet indicates that Nathuram Pawar (diseased) had number of injuries on his body. Weapon used in the said crime appears to be a dangerous weapon. *Prima facie*, there is no material on record so as to doubt the genuineness of the prosecution case. There appears no inherent infirmities or improbabilities in the prosecution case. No case is made out to entertain the present Bail Applications, request for bail is rejected.

10. Statement made by Ms. Anamika Malhotra, learned A.P.P. that the prosecution would examine two more witnesses and thereafter close the prosecution evidence positively by 31st July 2025, is accepted. Prosecution to abide by the said statement.

11. Mr. Ajinkya Udane, learned Advocate makes a request that a copy of the present order may be made available to the Applicants, who are in jail through the Jailor. Registry to take steps to forward a copy of the present order to the Applicants.

12. Both the Criminal Bail Applications are disposed of.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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2025.07.26
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