

Nikita

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

BAIL APPLICATION NO.612 OF 2025

NIKITA
KAILAS
DARADE
ADVOCATE
SPECIAL COURT FOR
JUVENILES
PUNE

Shriraj @ Sonu Bharat Patole ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Vikas B. Shivarkar for the Applicant.

Ms. Ashwini Takalkar, APP for the State.

Ms. Punam Patil, PSI, Faraskhana Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17th JULY, 2025

P.C.:

1. Heard Vikas Shivarkar, learned Advocate for the Applicant and Ms. Ashwini 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.232 of 2023 registered with Faraskhana Police Station, Pune, for the offences punishable under Sections 302 read with Section 34 of the IPC. Said crime is now registered as Sessions Case No.415 of 2024 and is pending before the Additional Sessions Judge, Pune-11, Pune. Though, there are two Accused in the crime, however, the Applicant is sole Accused in Sessions Case No.415 of 2024, as the other Accused is a Child in Conflict with Law (CCL).

3. Case of the prosecution is that the Applicant and the CCL

assaulted Pratik @ Lalya Pruthiviraj Kamble (deceased), by use of tile. Pratik succumbed to injuries caused in the said assaulted by the Applicant and the CCL.

4. Applicant was arrested on 19.11.2023, since then, he is in jail. Bail Application at Exhibit-4 filed by the Applicant in Sessions Case No.415 of 2024 was rejected by the learned Additional Sessions Judge-11, Pune, on 13.08.2024.

5. Mr. Vikas Shivarkar, learned Advocate for the Applicant submits that the Applicant has been falsely implicated in the crime. In support of the said contention, he submits that one person by name Shwetang Nikalje who reported the incident to the police and who is the witness to the inquest panchanama, is not made an witness. He submits that the prosecution has not even recorded the statement of Shwetang Nikalje. He submits that Shwetang Nikalje is recorded in the letter dated 19.11.2023 issued by the Police Sub-Inspector to the Senior Police Inspector. He submits that though there is a eye-witness to the crime by name Gokul Nandu Chavan, a comparison of his statement when tested with the contents of the letter dated 19.11.2023, will indicate inconsistencies. He submits that non recording of the statement, of the Shwetang is fatal the prosecution.

6. Ms. A. A. Takalkar, learned APP for the State submits that the Applicant is charged with a serious offence, wherein the deceased was brutally murdered by the Applicant and the CCL. She submits that Gokul Nandu Chavan, the eye-witness, has specifically named the Applicant as also CCL and has referred to the involvement of

the Applicant in the said incident in graphic details. She submits that the involvement of the Applicant in the present crime is established.

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

8. Perusal of the records reveals that the eye-witnesses to the crime have specifically named the Applicant and have given minute details of the assault on the deceased by the Applicant and CCL. Assault on Pratik resulted in his death.

9. Contention of Mr. Vikas Shivarkar, that, non recording of statement of Shwetang being fatal to the prosecution case, at the most would be a defense which the Applicant may be entitled to take in defense during the trial. At the stage of bail, the considerations required to be taken in account are the facts of the case, nature of allegation, gravity of offence and role attributed to the Accused. Material on record *prima facie* case shows the involvement of the Applicant in the present crime. Offence in the present crime is of the Applicant committing murder. Eye-witnesses Gokul Nandu Chavan and Ritvik Divate have named the Applicant and the CCL of assaulting the deceased. Complicity of the Applicant in the crime is established. This is not a fit case for bail.

10. In view of the above, Bail Application No.612 of 2025 is dismissed.

(ASHWIN D. BHOBE. J.)