

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

Criminal Bail Application No.695 of 2025

Yogesh Ramdas Pagare

Age: 42 years, Occ: ____,

R/O: Flat No.303, Mhada Building,

Chehadi Shiv, Behind Nomika

Ismail School, Nashik Road,

Dist- Nashik.

(At present lodged in

Nashik Road Central prison)

... Applicant

versus

1. The State of Maharashtra

Through- P.I. Nashik Road Police

Station.

2. Rutik Ramesh Pagare

Age- 24 years,

R/o- Besides Lala ka Dhaba, Kiran

Nagar, Shiv, Nashik Road, Nashik.

... Respondent

Mr Aniket Vagal, a/w Ms Savvy Kolhekar, Ms Juhi Kadu, for
the applicant.

Mr SV Walve, APP, for respondent No.1/ State.

Mr Aniket Nikam, for respondent No.2.

PC-1698 Shaikh, Nashik Road Police Station, Nashik City.

Coram: R.N. Laddha, J.

Date: 1 December 2025.

P.C.:

By this application, the applicant seeks bail in connection
with CR No.410 of 2024, registered at Nashik Road Police

Station, Nashik, for the offences punishable under Sections 103(1), 109 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution, as emerging from the record, is that on 2nd August 2024, the present applicant, in furtherance of a common intention and in connivance with co-accused Saddam Malik (arrayed as Accused No.1), is alleged to have committed the murder of one Pramod Keruji Wagh.

3. The learned Counsel appearing on behalf of the applicant has vehemently urged that the applicant is innocent and has been falsely implicated in the present case due to prior civil disputes between the applicant's family and the family of the first informant. It is submitted that the applicant is not the principal assailant and that the fatal assault on the deceased was allegedly carried out solely by co-accused Saddam Malik using an iron rod and the only imputation against the applicant is his presence at the scene of the occurrence at the relevant time.

4. It is further contended that the weapon of offence was not recovered from the applicant and that the CCTV footage relied upon by the prosecution does not depict the applicant assaulting the deceased. The learned Counsel submits that the applicant's family had succeeded in a civil litigation against the

informant's family, thereby negating any motive for the applicant to commit the alleged offence. It is further submitted that the applicant has been maliciously roped in by the informant and his family with the ulterior motive of usurping agricultural land belonging to the applicant's family.

5. The learned Counsel also submits that the applicant is willing to abide by any stringent conditions that may be imposed by this Court for the grant of bail. It is also submitted that the applicant has no criminal antecedents. The investigation into the matter has concluded and the charge sheet has been filed. The applicant has been languishing in jail since 4 August 2024 and, as on the date, charges have not been framed.

6. On the other hand, the learned Additional Public Prosecutor, representing the respondent/State, has opposed the present application for bail. It is submitted that there are material eyewitness accounts which categorically implicate the applicant, alleging that the fatal assault by accused No.1 was carried out at the instigation of the present applicant. The prosecution further relies upon CCTV footage which purportedly captures the applicant engaging the deceased in conversation at the relevant time, thereby facilitating the assault by accused No.1 with an iron rod. It is further alleged that

subsequent to the incident, the applicant absconded from the scene on his motorcycle, which has since been seized by the investigating agency. The learned APP also asserts that there is sufficient material on record to indicate that the applicant had, on prior occasions, issued threats to the deceased. It is further submitted that the charges have already been framed and the trial is presently underway. In light of the serious nature and gravity of the offence, coupled with the specific apprehension that the applicant, if enlarged on bail at this stage, may tamper with the prosecution's evidence or influence witnesses, the learned APP strongly opposes the present application.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record. The prosecution's case, as emerging from the record, alleges that on 2 August 2024, the applicant, in furtherance of a common intention and in connivance with the co-accused Saddam Malik (accused No.1), committed the murder of one Pramod Keruji Wagh. It is alleged that the fatal assault was carried out by accused No.1 using an iron rod, purportedly at the instigation of the present applicant. The learned Counsel for the applicant has sought to discredit the prosecution's case by contending that the applicant is not the principal assailant and that his mere presence at the scene,

without overt act, cannot justify his continued incarceration. It is further urged that the applicant has been falsely implicated due to antecedents civil dispute and that the CCTV footage does not depict any act of assault by the applicant.

8. The prosecution has relied upon eyewitness accounts which attribute to the applicant the role of instigating the accused No.1 to commit the fatal assault. The CCTV footage captures the applicant engaging the deceased in conversation at the time of the incident and absconding from the scene on his motorcycle, which has since been seized, coupled with the assertion that he had previously issued threats to the deceased, lends further weight to the prosecution's case. The gravity of the offence, which involves the loss of human life, and the nature of allegations, including the element of premeditation and instigation, cannot be lightly brushed aside. The contention that the applicant has been falsely implicated due to civil disputes is a matter of defence, which can be appropriately adjudicated during the course of the trial. *Prima facie*, there is sufficient material available on record to suggest that the applicant at the relevant time was present at the scene of offence and at his instigation accused No.1 assaulted the deceased with an iron rod and committed his murder. It is also pertinent to note that the charges have already been framed and

the trial has commenced. In such circumstances, the possibility of the applicant influencing witnesses or tampering with the prosecution evidence cannot be ruled out.

9. In view of the foregoing, and considering the gravity of the allegations, the role attributed to the applicant, and the stage of the trial, this Court is not inclined to exercise discretion in favour of the applicant. Accordingly, the present application for bail stands rejected.

10. It is clarified that these *prima facie* observations are confined to determine the entitlement to the bail.

[R.N. Laddha, J.]