

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

CRIMINAL BAIL APPLICATION NO. 716 OF 2025

Kiran Prabhakar Chaudhari. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Kuldeep U. Nikam, a/w. Mr. Om N. Latpate & Mr. Samadhan
H. Ghumare, Advocate for the Applicant.

Mr. S.S. Chaudhari, APP for Respondent/State.

PSI A.S. Bairagi, Surgana Police Station, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th JULY, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Chaudhari, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 216 of 2024 registered at Surgana Police Station for the offences punishable under Section 103(1), 3(5) of the Bharatiya Nyay Sanhita, 2023 (for short "BNS"). Said crime is now registered as Sessions Case No. 435 of 2024 and is pending on the file of the learned Additional Sessions Judge, Nashik.

3. There are two accused in the crime. Accused is Accused No. 2. Accused No. 1 is the brother of the Applicant. Applicant was arrested on 30th September, 2024 and since then he is in jail. Bail Application at Exh. 3 filed in Sessions Case No. 435 of 2024 was dismissed by the learned Additional Sessions Judge, Nashik on 4th January, 2025.

4. Case of the prosecution is that Harishchandra Deshmukh (deceased) abused the Applicant on phone and in revenge, the Accused assaulted the deceased by iron pipe and caused his death.

5. Mr. Nikam, learned Advocate for the Applicant submits that the material on record would indicate that incident happened at the spur of moment. He submits that the investigation does not indicate the Applicant having any intention to kill the deceased. He submits that the Applicant is alleged to have used iron pipe. He submits that the witnesses refer to the assault by the Applicant on the hand and leg of the deceased. He submits that eye witnesses have specifically assigned the role to the Accused No. 1 hitting the iron pipe on the head of the deceased. He submits that the post mortem report opined that the death is caused due to the injuries on the head of the deceased. He submits that the Applicant does not have any criminal antecedents.

6. Mr. Chaudhari, learned APP for the State, submits that the act of the Applicant and the Accused No. 1 is premeditated act

which can be seen from the manner in which the Applicant and the Accused No. 1 came with the iron pipe. He submits that the involvement of the Applicant in crime is of assaulting the deceased on his hands and legs.

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

8. Record reveals that there are eye witnesses to the alleged incident. Statements of the witnesses would indicate atleast prima facie that the offence is not premeditated and the same has happened at the spur of the moment in view of the abuses hurled at the Applicant by the deceased. Investigation further reveals that the Applicant gave a blow with iron pipe on the hand and the leg of the deceased. Death is caused due to the injuries on the head of the deceased. There is nothing to show that the Applicant had assaulted the deceased on his head. In the circumstances, prima facie there appears to be no intention of the Applicant to eliminate the deceased. Mr. Nikam, learned Advocate for the Applicant has submitted that the Applicant does not have any criminal antecedents.

9. In view of the above, continuation of the Applicant in jail during the pendency of the trial is not warranted. Applicant is entitled to bail.

10. This Bail Application is therefore, allowed on the following conditions :

- (i) Applicant be released on bail in Crime No. 216 of 2024, registered with Surgana Police Station, Nashik for the offences punishable under Section 103(1), 3(5) of the BNS on furnishing P.R.Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with one or two solvent surety in the like amount, to the satisfaction of the Additional Sessions Judge, Nashik.
- ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- iii) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Surgana Police Station, Nashik.
- iv) Applicant shall attend the trial in Sessions Case No. 435 of 2024 before the learned Additional Sessions Judge, Nashik, regularly on every date unless exempted by the learned Additional Sessions Judge, Nashik.

11. Bail Application No. 716 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)