

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 834 OF 2025**

Nitesh Vithal Tapisar ...Applicant  
Versus  
The State Of Maharashtra ...Respondent

**Ms. Anjali R. Awasthi**, *for the Applicant.*  
**Ms. Manisha R. Tidke**, *APP for the State-Respondent.*  
**PSI – M. R. Indrekar**, *Bhiwandi Taluka Police Station, is present.*

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**CORAM DR. NEELA GOKHALE, J.**  
**DATED: 10<sup>th</sup> DECEMBER 2025**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with FIR No. 56 of 2020 dated 14<sup>th</sup> March 2020 registered with Bhiwandi Taluka Police Station, Thane Rural, Mumbai for the offences punishable under Section 302 of the Indian Penal Code, 1860 ('IPC').

**2.** There is only one accused in the present case. It can be discerned from the FIR that the Applicant was desirous of having a relationship with the wife of the deceased out of an

old friendship. The First Informant-Pooja Pawar was married to the deceased on 28<sup>th</sup> October 2019 and was living in her matrimonial home with her husband and his family members. On 13<sup>th</sup> March 2020, there was a verbal altercation between the First Informant's husband namely Shyam Pawar and the Applicant in respect of the First Informant speaking with the Applicant. It appears that the deceased-Shyam had prohibited the Applicant from talking to his wife. Hence, the Applicant was angry with the deceased and out of the said grudge, he pick up a quarrel with him on 14<sup>th</sup> March 2020 at around 4:00 p.m. near the brick kiln. There was another verbal altercation between the parties, leading to a physical assault wherein the Applicant strangled the deceased and killed him. When he realized that the deceased was not moving, the Applicant was frightened and picked up his body and kept it on the side. He did not flee the spot but continued to remain over there till the family of the deceased reached the spot. At the instance of the First Informant-Pooja, the deceased's wife, the FIR was registered and the Applicant was arrested.

**3.** The Applicant made an application seeking bail before the Additional Sessions Judge, Thane. However, by order dated 8<sup>th</sup> March 2021, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

**4.** Ms. Anjali Awasthi, learned Counsel representing the Applicant, submits that this is not a premeditative offence. There was a relationship between the Applicant and the First Informant and it was out of that relationship that a quarrel ensued between the deceased and the Applicant, which turned fatal. She further submits that the act alleged, at best, was committed on the spur of the moment and no weapon was used to commit the crime. She further brings to my notice the conduct of the Applicant, stating that after the deceased fell unconscious, the Applicant continued to remain there till the family members of the deceased reached the spot. She also submits that the Applicant is arrested on 4<sup>th</sup> March 2020 and only charges have been framed, but the recording of

evidence has not yet commenced. She thus prays that the Applicant be enlarged on bail.

**5.** *Per contra*, Manisha Tidke, learned APP, contests the Bail Application. She submits that there are 8 eyewitnesses who have been given statements to the police stating the role of the present Applicant. All the statements are consistent with each other. However, she concedes that the Applicant has no antecedents. She thus prays that the Application be rejected.

**6.** I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

**7.** It is revealed from the FIR that there was no premeditation on the part of the Applicant in committing the said offence. The crime seems to have been committed out of the relationship between the Applicant and the First Informant, which the First Informant was unable to continue on account of her marriage with the deceased. The offence

seems to have been committed during an altercation between the parties and on a spur of the moment. There was no weapon used by the Applicant and his conduct post the quarrel is witness enough of lack of his intent to commit the offence. The charges are framed and there are as many as 28 witnesses intended to be examined by the prosecution. The trial is not likely to conclude in the foreseeable future. No purpose will be served by the Applicant's continued incarceration. However, since the Applicant resides in the same locality and also that he is relative of the First Informant, I am of the view that the interest of justice would be subserved if the Applicant is enlarged on bail with stringent conditions:

**ORDER**

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and

12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iii) The Applicant shall not enter the jurisdiction of the Bhiwandi Taluka Police Station, Thane Rural, Mumbai, till the deposition of the eyewitnesses are recorded by the Trial Court.

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from

time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

**8.** The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

**9.** It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)