

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

Criminal Bail Application No.869 of 2025

Kumar Bhagwan Ozarkar
Aged: 27 yrs, Occ: Job,
Indian Inhabitant, R/at Shivane,
Tal: Maval, Dist : Pune.
(At present languishing in Yerwada
jail)

... Applicant.

Vs.

The State of Maharashtra
(Shirgaon-Parandwadi Police Station,
CR No.98 of 2024)

... Respondent.

Ms Sana Khan, Advocate a/w Neha Balani, Mr Harsh Shah
i/by SRK Legal for the applicant.

Mr PP Jadhav, APP for the respondent / State.

IO PH Parkhe, Shirgaon Parandwadi Police Station, Pimpri
-Chinchwad city.

**Coram : R.N.Laddha, J.
Date : 25 November 2025.**

P.C. :

By this application, the applicant seeks bail in connection with CR No.98 of 2024, registered at Shirgaon Paranjwadi Police Station, Pune, for the offences punishable under Sections 302 and 307 read with Section 34 of the Indian Penal Code (IPC).

2. It is the case of the prosecution that on 19 March 2024 at about 5:30 a.m., on the Bebedohal-Pawna Nagar road, situated within Taluka-Maval, District-Pune, the applicant/accused, in connivance with a juvenile co-accused, pursued Sudhir Macchindra Adsul while he was returning home on his motorcycle bearing registration No.MH-12-BT-3213. It is further alleged that the applicant and his accomplice assaulted the victim by striking his head with a steel pipe, thereby causing him to fall from the vehicle. The assailants thereafter continued to inflict blows upon his head and body. Upon the arrival of a passerby, the informant herein, the accused persons fled the scene. Subsequently, Sudhir Adsul succumbed to the injuries sustained during the said assault.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that there is an inordinate and unexplained delay of approximately seven hours in the registration of the FIR, which casts a serious doubt on the veracity of the prosecution's version. The applicant is a young person aged 27 years, with no prior criminal antecedents. It is further

submitted that the applicant has been languishing in jail since 20 March 2024, and despite a considerable lapse of time, the charge has not yet been framed. The learned Counsel has also drawn the attention of this Court to the fact that the initial registration of FIR was under Section 307 of the IPC. However, upon the subsequent demise of the injured person during the course of medical treatment, the offence was later altered to one under Section 302 of the IPC. It is contended that the statements of the purported eyewitnesses are riddled with material contradictions and inconsistencies. It is submitted that the said witnesses are planted and interested. It is also submitted that at the time of the applicant's arrest, the mandatory requirement of communicating the grounds of arrest was not complied with. Reliance is placed on the judgments in (i) Ravinder @ Tanni @ Taran Vs the State of Haryana, 2025 PHHC 021359; (ii) Vihaan Kumar Vs. State of Haryana & Anr, 2025 INSC 162; (iii) Directorate of Enforcement Vs. Subhash Sharma 2025 INSC 141; (iv) Mahesh Pandurang Naik Vs The State of Maharashtra & Anr, 2024 :BHC-AS 28603-DB; (v) Prabir Purkayastha Vs. State (NCT of Delhi) 2024 INSC 414; (vi) Pankaj Bansal vs Union of India &

Ors, 2023 INSC 866; (vii) Ajit Kisan More Vs State of Maharashtra, through Inspector of Police of Vadgoan Nimbalkar Police Station, 2025 SCC OnLine Bom 2899; (viii) Ashrafbhai Ibrahimhai Kalavdiya Vs UOI & Anr, Cri.BA No.420 of 2025 Bom. HC, (ix) Mohd Aslam Mohd Merchant Vs the State of Maharashtra, BA No.986 of 2025, Bom HC; (x) Mihir Rajesh Shah vs State of Maharashtra & Anr. 2025 INSC 1288.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the applicant in connivance with the co-accused assaulted the deceased with the steel pipes, thereby inflicting grievous injuries. As a result of the said assault, the deceased lost consciousness at the scene of the incident and, despite being promptly shifted for medical treatment, succumbed to his injuries during the course of such treatment. The medical papers, including post-mortem examination revealed multiple fractures on the skull of the deceased, indicative of a brutal and fatal attack. The learned APP further submits that the eyewitnesses categorically implicated the applicant in the commission of the offence. The weapons of offence, stained with blood,

were recovered from the scene of the occurrence. Incriminating material in the form of blood stained clothes worn by the applicant at the time of the incident has also been seized from his possession. It is further submitted that the applicant was apprehended and the fact of his arrest was duly communicated to his relatives, Akshay Ozarkar and Sandip Gaikwad. The station diary entry contemporaneously records that the applicant was informed of the grounds of his arrest.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record. The applicant stands accused of a grave and serious offence punishable under Section 302 of the IPC. The prosecution alleges that on 19 March 2024 at about 5:30 a.m., the applicant, in connivance with a juvenile co-accused, pursued the deceased, Sudhir Adsul, and assaulted him with a steel pipe, causing fatal injuries. The post-mortem report reveals multiple skull fractures, indicative of a brutal and targeted attack. The nature of the assault, involving repeated blows to the head and body, *prima facie* reflects a deliberate and violent intent. The eyewitnesses have categorically implicated the applicant in

the commission of the offence. The recovery of blood-stained weapons from the scene and seizure of blood-stained clothes from the applicant lend further credence to the prosecution's case.

6. The contention regarding the delay of seven hours in lodging the FIR does not, in the facts of the present case, appear to be so inordinate or unexplained as to cast serious doubt on the prosecution's version. The incident occurred in a relatively remote area, and the informant was a passerby who witnessed the aftermath. The delay, therefore, appears to be reasonable.

7. As regards the alleged contradictions in the statements of eyewitnesses and the claim that they are planted or interested, such contentions pertain to the realm of appreciation of evidence. The alteration of the offence from Section 307 to Section 302 of the IPC, consequent upon the death of the victim, is a procedural development in accordance with law and does not, by itself, dilute the gravity of the offence. The applicant's contention that the grounds of arrest were not communicated is refuted by the prosecution, which has placed reliance on the

contemporaneous station diary entry, and the fact that the applicant's relatives were duly informed.

8. While it is true that the applicant is a young person with no prior criminal antecedents and has been languishing in jail since 20 March 2024, these factors alone cannot override the seriousness of the allegations and the weight of the material collected during the investigation. Furthermore, the judgments relied upon by the learned Counsel for the applicant, though laying down important principles regarding personal liberty, procedural safeguards, and the presumption of innocence, are distinguishable on the facts. In the present case, the cumulative circumstances, namely, the gravity of the offence, the nature of the assault, the *prima facie* involvement of the applicant, and the recovery of incriminating material, tilt the balance against the grant of bail.

9. The present application for bail is, accordingly, rejected.

[R. N. Laddha, J.]