

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1032 OF 2025

Sanjay @ Atul Ganesh Pradhan ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Akshay Bankapur a/w Mr. Piyush S. Jadhav, Advocate for the Applicant.

Mr. A. A. Palkar , APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd JULY, 2025.

P.C. :

1. Heard Mr. Akshay Bankapur, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.

2. Applicant (Accused No. 4), along with three other co-accused, is alleged to have assaulted their friend (Ritesh Mathe), with a knife, with the intention to commit murder. Ritesh Mathe succumbed to the injuries caused in the said assault. Crime No. 114 of 2024 is registered at the instance of Nilkant Mathe (father of the deceased), with Gangapur Police Station, Dist. Nashik for the offences punishable under Sections 302, 307, 323, 504, 506 read with 34 of the Indian Penal Code (for short the “IPC”) and Sections 142 and 37(1)(A) read with 135 of the Bombay Police Act. Said crime is registered as Sessions Case No. 309 of 2024 and the same is pending before the Court of the Additional Sessions Judge, Nashik.

3. Applicant was arrested on 15th May, 2024, since then he is in jail. Criminal Bail Application filed by the Applicant, at Exhibit-3 in Sessions Case No. 309 of 2024 was rejected by the learned Additional Sessions Judge-7, Nashik, by order dated 21st October, 2025.

4. Mr. Akshay Bankapur, learned Advocate for the Applicant, submits that although the Applicant is named in the FIR, there is no specific allegation in the FIR indicating that the Applicant being the assailant. He refers to the FIR to point out that the main assailant in the incident is Arbaj Mohammad Shaikh (Accused No. 2), who has been granted bail by the Trial Court, by order dated 28.02.2025 (pages 175 to 177 of the paper book). He further submits that Bhushan B. Jadhav (Accused No. 3), who is assigned a similar role as Accused No. 2, has also been granted bail by this Court, vide order dated 28.01.2025 (pages 173 to 174 of the paper book). He submits that although two friends of the deceased Sumeet Borse and Atul Nikam claim to have seen Ritesh Mathe in an injured condition and taken him to the hospital, their statements were recorded 22 days after the incident and contain inconsistencies. He also submits that the Applicant has no criminal antecedents.

5. Mr. A. A. Palkar, the learned APP for the State, submits that the material on record establishes the Applicant's involvement in the crime. He submits that both Accused No.2 and the Applicant were involved in taking Ritesh Mathe to the spot where the assault occurred. He submits that Ritesh Mathe made an oral dying declaration to his friends, Sumeet Borse and Atul Nikam, wherein he stated that the Applicant had attacked him with a knife.

6. I have perused the records with the assistance of the Advocates of the parties.

7. FIR in present case was lodged by the father of the deceased, who has named Arbaj Mohammad Shaikh (Accused No.2) as the assailant, who used a knife to assault the deceased. Crime is said to have occurred on 09.05.2024. Sumeet Borse and Atul Nikam, who are friends of the deceased, have referred to a dying declaration allegedly made by the deceased. Their statements were recorded 22 days after the incident. No explanation is forthcoming from the prosecution for the delay in recording the statement of the said two witnesses, more so when they are said to be the friends of the deceased. Mr. Bankapur has highlighted inconsistencies in their statements of Sumeet Borse and Atul Nikam to argue that the version put forth by these witnesses appears doubtful and lacks credibility.

8. Assailant (Accused No.1) named in the FIR is released on bail. Accused No.2 and Accused No.3 are also released on bail. Mr. Akshay Bankapur states that the Applicant does not have any criminal antecedents. Prima facie, the material on record, does not support the prosecution's case for detaining the Applicant in custody pending the trial in Sessions Case No. 309 of 2024.

9. In view of the above, the Applicant is entitled for bail. Hence, the present Bail Application is allowed on the following conditions :-

- a) Applicant is directed to be released on bail in connection with Crime No. 114 of 2024, registered with Gangapur Police Station, Nahik upon furnishing P.R. Bond in the sum of Rs.25,000/- each

with one or two sureties each in the like amount, to the satisfaction of the Additional Sessions Judge - 7 Nashik.

(b) Applicant shall attend before the Investigation Officer, Gangapur Police Station District Nashik on the 1st Saturday on every month from 10.00 a.m. to 12.00 noon, till the conclusion of trial.

(c) Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(d) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Gangapur Police Station, Nashik, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

(e) Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 309 of 2024, pending on the file of Additional Sessions Judge-7, Nashik unless exempted.

10. Criminal Bail Application No. 1032 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)