

Nikita

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

BAIL APPLICATION NO.1104 OF 2025

NIKITA
KAILAS
DARADE
ADVOCATE
SPECIAL COURT FOR
CRIMINAL
JUDICATURE
PUNE
PHONE: 903-07-13
903-14-4950

Sachin Vasant Motkatte

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sanjeev Kadam Senior Advocate a/w Mr. Suraj
Mhadgut i/b Me. Prashant Raul for the Applicant.

Ms. M. H. Mhatre, APP for the State.

Mr. Sudeep Pasbola, Senior Advocate a/w Mr. Shilesh
Chavan a/w Mr. Sachin Pawar a/w Mr. Hirshikesh
Avhad for the Intervener.

Mr. Sachin Kale, I. O. Vadgaon Nimbalkar, Police
Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 15th JULY, 2025

P.C.:

1. Heard Mr. Sudeep Pasbola learned Senior Advocate for the Intervener. Mr. Sanjeev Kadam, learned Senior Advocate for the Applicant and Ms. M. H. Mhatre, learned APP for the State.

2. Applicant (Accused No.4) by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C.R. No.283 of 2024, registered with Vadgaon Nimbalkar Police Station, Pune for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506, 201, and 352 of the IPC read with Section 3 and 25 of the Arms

Act. Said crime is registered as Sessions Case No.190 of 2024 and is pending on the file of Additional Sessions Judge, Baramati.

3. FIR was registered at the instance of Ankita Ranjeet Nimbalkar (Complainant). Case of the prosecution is that a dispute between Ranjeet Nimbalkar (deceased) and Gautam Kakde (Accused No.1), arising out of the sale/purchase of the Bull belonging to Ranjeet Nimbalkar, resulted into assault on Ranjeet Nimbalkar. During the said assault, Accused No.1 fired a bullet from the pistol on Ranjeet Nimbalkar. Ranjeet Nimbalkar succumbed to injuries. Applicant and others were present at the time of the incident.

4. Applicant was arrested 01.07.2024, since then the Applicant is in jail. Bail Application at Exhibit-10 filed by the Applicant in Sessions Case No.190 of 2024 was rejected by the learned Additional Sessions Judge, Baramati on 22.11.2024.

5. Mr. Sanjeev Kadam, learned Senior Advocate for the Applicant, submits that the Applicant herein is a labourer who was engaged by Kakade family. He submits that the involvement of the Applicant in the said crime is on account of his presence at the time of alleged incident. He submits that the Applicant was present at the place of incident as he was directed by him employer, to be present at that moment. He submits that the Complainant as well as other eye-witnesses in the crime though refer to the presence of the Applicant at place of incident, however none of the witnesses have made any statement as regards the Applicant having assaulted the deceased or having used the pistol. He submits that

Shahaji Kakde, Accused No.3 who tried to destroy the evidence of crime is released on bail by this Court vide its order dated 27.08.2024 passed in Bail Application No.3148 of 2024. He submits that the charge-sheet does not support the prosecution case as against the Applicant.

6. Mr. Sudeep Pasbola learned Senior Advocate for the Complainant, submits that witnesses which include the Complainant have referred to the presence of the Applicant and the other persons at the time of the incident. He submits that the witnesses have made reference to the Applicant hurling abusing and making an advance towards the deceased during the said incident. He submits that the Applicant being employee of the Accused No.1, the Applicant was involved in the act of preparation of the said crime. He submits that there is sufficient evidence on record to implicate the Applicant as according to him, the Applicant had a common object along with other Accused in the said crime.

7. Ms. M. H. Mhatre, learned APP for the State submits that the material on record indicates the presence of the Applicant during the incident wherein the Ranjit Nimbalkar was assaulted and shot. She submits that the Applicant would be a member of the unlawful activities. She submits that the Applicant was identified in the Test Identification Parade.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Complainant i.e. the widow of the deceased is the witness to

the incident. She has referred to the incident wherein her husband was assaulted, however the FIR registered at her instance and her statement recorded on 30.06.2024, though refers to the presence of the Applicant does not mention the role played by the Applicant in the assault on her husband. Similar are the statements recorded on 30.06.2024 of the other persons, who are claimed to be the eye witnesses to the crime. Supplementary statements recorded of the Complainant and the other eye-witnesses, after the Test Identification Parade, refer to the Applicant by name, however none of the statements refer to the Applicant being involved or having participated in the act of assault on Ranjeet Nimbalkar.

10. Contentions of Mr. Pasbola, learned Senior Counsel that the Applicant who is a employee of the Accused No.1, being involved in preparation for the crime or having a common object with the Accused No.1 to commit the crime, is not borne out from the record.

11. When Ms. Mhatre learned APP and Mr. Pasbola, learned Senior Counsel were asked to point out the material in the charge-sheet which attribute a role distinct to the Applicant in the assault on Ranjeet Nimbalkar, they were unable to assign a distinct role to the present Applicant.

12. Accused No.3 who is guilty of destroying evidence is on bail. None of the statements recorded prima facie evince or evidence participation of the Applicant in the assault. Needless to state that the Trial Court will ultimately determine and adjudicate the complicity of the Applicant in the crime in accordance with law.

Considering the nature of allegations against the Applicant, continuation of the Applicant in jail till the conclusion of trial is not warranted. Applicant is therefore entitled to bail.

13. In view of the above, the present Bail Application is allowed, on the following conditions:

- a) Applicant is directed to be released on bail in connection with C.R. No.283 of 2024 registered with Vadgaon Nimbalkar Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge Baramati.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge Baramati in Sessions Case No.190 of 2024 on each date of hearing, unless specifically exempted by the Court.
- 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 shall not tamper with evidence.
- d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Vadgaon Nimbalkar Police Station Pune, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

14. The Bail Application No.1104 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)