

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

Criminal Bail Application No.1171 of 2025

Sagar Chandu Sonawane

Age: 30 yrs, Indian Inhabitant,

R/at Kurhegaon, Tal-Igatpuri

Dist. Nashik.

... Applicant.

Vs.

The State of Maharashtra

@ Ghoti police station

vide CR no.188/2023.

... Respondent.

Ms Sana Raees Khan a/w Mr Harsh Shah and Ms Neha Balani for the applicant.

Mr PP Jadhav, APP for the respondent / State.

HC-1116 BP Ahre, Ghoti police station, Nashik.

Coram : R.N.Laddha, J.

Date : 14 November 2025.

P.C. :

Heard Ms Sana Khan, learned Counsel appearing on behalf of the applicant and Mr PP Jadhav, learned Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant seeks bail in connection with CR No.188 of 2023, registered with Ghoti

Police Station, Nashik Rural, for offences punishable under Sections 302 read with 34 of the Indian Penal Code (IPC).

3. According to the informant, Ganesh Devidas Jagtap, on 14 May 2023, his brother-in-law, Aniket Shinde, was assaulted and murdered by the applicant and the co-accused. Ganesh has three sisters : Komal, who is married to accused No.1 Sandeep Nikale; Naina married to the deceased Aniket; and Sapna. It is alleged that accused Sandeep had an affair with Sapna and was living with her in Badalapur while keeping his wife Komal at their native village, which caused family disputes. When Aniket tried to counsel Sandeep, he was threatened. On 12 May 2023, the family attended a wedding at Ghoti and stayed for the post-wedding rituals. Around 1:30 a.m. on 14 May 2023, after dinner, Aniket received a call and suddenly left on his motorcycle. Ganesh and Ram More followed on foot. On reaching the Ghoti-Sinnar highway, they saw a quarrel and found the applicant and the co-accused assaulting Aniket. Aniket became unconscious, and the accused fled in a white Scorpio car. Aniket was taken to the hospital, however, during treatment he succumbed to the injuries and died.

4. The learned Counsel appearing on behalf of the applicant has strenuously urged that the applicant is innocent and has been falsely implicated in the present case due to the ulterior motives. It is submitted that there exists a significant and unexplained delay of more than six hours in the lodging of the FIR. As per the prosecution's own case, the alleged incident is stated to have occurred at around 1:30 a.m., whereas the FIR came to be registered only at 7:49 a.m., despite the fact that the concerned police station is situated merely few minutes away from the place of occurrence. It is urged that such an inordinate and unexplained delay in the registration of the FIR, coupled with the absence of any cogent explanation for the intervening period, cast a serious doubt on the veracity of the prosecution's version and lends credence to the applicant's assertion that he has been deliberately and falsely named by the informant with an oblique motive to implicate him in the alleged offence.

5. It is also submitted that there has been an inordinate delay of over one month in recording the statement of the purported eyewitness, which remains unexplained by prosecution. According to the learned Counsel, such

unexplained delay casts a serious doubt on the credibility of the said witness account. The prosecution has neither offered any justification for the belated recording nor demonstrated any compelling circumstances that could warrant such deferment.

6. The learned Counsel further submit that there are material contradictions and inconsistencies between the contents of the FIR and the statements of the prosecution witnesses, particularly with respect to the registration number of vehicle allegedly used by the accused persons to flee from the scene of the incident. Such discrepancies, it is contended, erode the credibility of the prosecution's case. It is also submitted that the FIR does not attribute any specific overt act or distinct role to the applicant in the alleged incident of assault.

7. It is submitted that the motive as alleged by the prosecution, is specifically attributed to co-accused Sandeep (accused No.1), and not to the present applicant. Furthermore, the purported weapons of offence, two iron rods and one wooden log, were allegedly recovered at the instance of the co-accused and not from the possession or at

the behest of the applicant. Additionally, it is submitted that there exists a palpable inconsistency in the number of assailants as mentioned in the FIR and in the statement of the prosecution witnesses.

8. The learned Counsel further submits that although the applicant was arrested on 20 May 2023, to date charges have not yet been framed. The prosecution proposes to examine as many as sixteen witnesses and the trial will take its own time. Reliance is placed on the judgment of the Hon'ble Supreme Court in (i) *Siddharth vs State of Uttar Pradesh* (2022)1 SCC 676. (ii) *Rohit Koli vs State of Maharashtra SLP (Cri) No.4935 of 2025*, (iii) *Monu Kisanlal Kumar vs State of Maharashtra, Special Leave to Appeal (Cri No(s) 1595 of 2025 dt 13 May 2024* and (iv) *Zahur Haider Zaidi vs CBI, Cri Appeal No.605 of 2019* arising out of *SLP (Cri) No.2123 of 2018* to contend that prolonged incarceration, coupled with the absence of substantial progress in the trial proceedings, as well as the conduct of co-accused persons, cannot constitute valid grounds for denying the bail.

9. The learned Counsel further submits that the applicant

has no criminal antecedents, and that he is ready and willing to comply with any conditions that may be imposed by this Court, including the condition restraining him from entering the territorial jurisdiction of the Ghoti Police Station until the conclusion of the trial. The applicant also undertakes that he shall not, at any stage, seek relaxation or modification of any such conditions imposed upon him.

10. On the other hand, the learned Additional Public Prosecutor representing the respondent/State has vehemently opposed the applicant's request for the grant of bail, contending that the offence is of a grave and serious nature. It is submitted that the applicant and the co-accused, in furtherance of their common intention, assaulted the deceased with iron rods and a wooden log, causing injuries which resulted in his death. It is submitted that there are ocular witnesses who have directly witnessed the incident, and that the weapons of the offence have been recovered from the co-accused. It is additionally urged that, rather than grant bail, this Court may issue appropriate directions to the learned trial Court to expedite the hearing of the trial proceedings. The delay in the commencement of the trial, it is argued, cannot be attributed to the

prosecution, as one of the co-accused Vishal Nikalje, continues to remain absconding, thereby impeding the progress of the trial.

11. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. The prosecution case relies heavily on the version of purported eyewitnesses. However, the material on record indicates that the statement of such an eyewitness was recorded after more than one month of the incident. The prosecution has not explained why such an important witness's statement was recorded belatedly. *Prima facie*, inconsistencies appear between the FIR and subsequent statements, especially relating to the registration number of the vehicle allegedly used by the accused to flee and number of assailants. It is not in dispute that the purported motive for the assault arises from the strained relationship between co-accused Sandeep and the deceased, and no such motive is attributed to the present applicant. The alleged weapons of assault, two iron rods and one wooden log, have been recovered at the instance of the co-accused and not from the present applicant. The prosecution has not demonstrated any recovery or incriminating material

linking the weapons directly to the applicant. It also appears from the record that, the incident is alleged to have occurred at about 1:30 a.m. on 14 May 2023, whereas the FIR came to be registered only at 7:49 a.m.

12. Furthermore, the applicant has been languishing in jail since 20 May 2023. Charges have not yet been framed. The prosecution proposes to examine sixteen witnesses. Having regard to the number of witnesses and the pace of the proceedings, the trial is not likely to conclude in the near future. The pendency attributable to absconding co-accused cannot indefinitely prejudice the liberty of the applicant who has been in custody for a substantial period. The applicant has no criminal antecedents and has expressed willingness to comply with conditions, including staying away from the territorial jurisdiction of Ghoti Police Station until conclusion of the trial.

13. In view of the above, this Court finds that the applicant has made out a case for grant of bail. The application is accordingly allowed, subject to the following terms and conditions :

- (i) The applicant shall be released on

bail in CR No.188 of 2023, registered at Ghoti Police Station, Nashik Rural, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant shall not enter the territorial jurisdiction of Ghoti Police Station till the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the concerned Officer of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid

reason.

(vi) Any breach of the above conditions shall entail cancellation of bail.

14. The present bail application stands disposed of accordingly.

[R. N. Laddha, J.]