

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

Criminal Bail Application No.1325 of 2025

Vishnu Ankush Kapse
Age: 19 years, Occ: Nil,
R/o Thorat Galli, Khalcha Rajwada,
Velholi, Nashik, Dist-Nashik
At present lodged in Yerwada Central
Prison, Pune. ... Applicant.

Vs.

The State of Maharashtra
Through Ambad Police Station,
CR No.136 of 2021. ... Respondent.

Mr Aniket Vagal a/w Ms Savvy Kolhekar for the applicant.
Mr SV Walve, APP for the respondent / State.
PSI Savita Unde, Ambad Police Station, Nashik city.

**Coram : R.N.Laddha, J.
Date : 11 December 2025.**

P.C. :

By this application, the applicant seeks bail in connection with CR No.136 of 2021, registered at Ambad Police Station, Nashik, for the offences punishable under Sections 302 and 120 B read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that one Nilesh Shinde

and his wife were residing as tenants in a room owned by the deceased. It is alleged that the present applicant had occasion to visit the said premises, during which he observed that the deceased was adorned with a gold chain. This observation is stated to have led the applicant to form the belief that the deceased had considerable cash and valuable ornaments. Acting upon such presumption, the applicant, in connivance with the co-accused persons, is alleged to have entered into a criminal conspiracy to eliminate the deceased with the intent to unlawfully appropriate her monetary assets and gold jewellery. In furtherance of the said conspiracy, on or about 13th April 2021, the applicant, along with the co-accused, is stated to have deceitfully induced the deceased to enter the tenanted premises occupied by Nilesh Shinde. Upon her entry into the said room, the applicant is alleged to have strangled the deceased using a nylon rope, while the co-accused purportedly applied force by stomping on her neck, thereby causing her death. The prosecution contends that the homicidal act was premeditated and executed with the common intention of committing robbery and causing the death of the deceased.

3. Mr Vagal, the learned Counsel for the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. The prosecution's case rests entirely on circumstantial evidence, without any direct or cogent material linking the applicant to the crime. It is further contended that the investigation has concluded and the charge sheet has been duly filed. The learned Counsel further submits that the applicant has been languishing in jail since 16 April 2021, while the trial has yet to reach its conclusion. It is emphasised that the applicant has no criminal antecedents. It is also pointed out that the applicant was not named in the FIR. The applicant is willing to comply with any conditions that this Court may deem fit to impose.

4. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent-State, has vehemently opposed the present application for bail. The learned APP submits that the offence alleged against the applicant is extremely grave and serious in nature, involving a cold-blooded, premeditated, and fatal assault on the deceased. It is contended that the role attributed to the applicant cannot be characterised as

accidental, impulsive, or arising out of a sudden provocation, but rather reflects a deliberate and orchestrated act executed pursuant to a criminal conspiracy hatched in advance. The learned APP further submits that the applicant in connivance with other co-accused, subjected the deceased to brutal strangulation, which ultimately resulted in her death. Reliance is placed on the post-mortem report, which opines that the cause of death was asphyxia due to ligature strangulation, lending strong medical corroboration to the prosecution's case.

5. It is further pointed out that the nylon rope allegedly used in the commission of the crime was recovered at the instance of the applicant. The learned APP has also drawn the attention of this Court to the CCTV footage, which captures the presence of the applicant and the co-accused, which further lends corroboration to the prosecution's version of events. It is also submitted that the applicant maintained continuous telephonic communication with the co-accused both prior to and subsequent to the incident. The statement of witness Samadhan Pawar substantiates the prosecution's contention regarding the applicant's contact with the co-accused.

6. Apart from the aforesaid incriminating material, the learned APP submits that the trial has already commenced and as many as seventeen prosecution witnesses have been examined thus far. In view of the stage of the proceedings and the nature of the evidence on record, it is contended that enlarging the applicant on bail at this juncture would be prejudicial to the prosecution. According to the learned APP, there exists a real and imminent likelihood that, if released on bail, the applicant may misuse his liberty intimidating, influencing or tampering with the prosecution witnesses.

7. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. The allegations against the applicant are of a grave and serious nature, involving a meticulously planned and executed act of homicide, allegedly committed with the intent to rob the deceased. The nature of the offence, the manner of its commission, and the role attributed to the applicant *prima facie* suggest active participation of the applicant in the commission of the alleged offence. The recovery of the nylon rope at the instance of the applicant, the CCTV footage indicating his presence along with the co-accused at the relevant location, and the telephonic

communication with the co-accused both before and after the incident, constitute incriminating material which cannot be lightly brushed aside at this stage.

8. The prosecution has also placed reliance on the statement of a witness linking the applicant to the co-accused, thereby strengthening the chain of circumstantial evidence. Moreover, the trial is in progress and seventeen witnesses have already been examined. At this juncture, the possibility of the applicant attempting to influence or intimidate witnesses cannot be ruled out. The apprehension expressed by the prosecution in this regard appears to be well-founded.

9. In view of the above, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the present bail application stands rejected.

[R. N. Laddha, J.]