

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

CRIMINAL BAIL APPLICATION NO. 2343 OF 2025

Sani @ Prashant Nimba Hadge. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Akshay Bankapur, Advocate for the Applicant.

Mr. Vinod Chate, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25 JUNE, 2025.

P.C. :

1. Heard Mr. Akshay Bankapur, learned Advocate for the Applicant and Mr. Vinod Chate, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 153 of 2024 registered with Mhasrul Police Station, Nashik for offence punishable under Section 302, 120B, 201 of the Indian Penal Code.

3. There are four accused in the said crime. Applicant is Accused No. 3 in the said Crime. Mr. Akshay Bankapur, learned

Advocate for the Applicant states that the crime No. 153 of 2024 is registered as Sessions Case No. 433 of 2024 and is pending on the file of the Additional Sessions Judge-7, Nashik.

4. Case of the prosecution is that on the intervening night of 15th June, 2024 and 16th June, 2024 Prakash Todkar (deceased) had an altercation with the Vijay Dattatray Aher (Accused No. 1), which resulted in scuffle / fight between them. Applicant and the other two Accused are said to be with Accused No. 1 during said fight. Subsequent to the said fight, Prakash Todkar was found dead and his body lying in a pool of blood. Weapon of assault used in the said crime is a cement block which was lying near the body of the deceased.

5. Applicant was arrested on 17th June, 2024 and since then he is in jail. Bail Application at Exh. 4 filed by the Applicant in Sessions Case No. 433 of 2024 was dismissed by the learned Additional Sessions Judge-7, Nashik by order dated 13th March, 2025.

6. Mr. Akshay Bankapur, learned Advocate for the Applicant submits that the entire case of the prosecution is based on circumstantial evidence. He submits that there are no eye witness to the alleged assault on the deceased. He submits that though there are three witnesses who claim to have seen the dispute and the fight between the deceased and Accused No. 1, however, their

statements are inconsistent with reference to the presence and or involvement of the Applicant in the said crime. He submits that there are no recoveries made from the Applicant. He submits that the Applicant does not have any criminal antecedents. He submits that the Applicant is falsely implicated in the crime.

7. Mr. Vinod Chate, learned APP vehemently opposes the Bail Application. He submits that the prosecution is based on circumstantial evidence. There are two witnesses who have supported the prosecution case with reference to the Applicant being last seen with the deceased. He submits that the CCTV footage recovered from the scene of offence, though blur refers to four persons alighting from the rickshaw used in the said crime. He submits that the offence is serious as it is a case of murder.

8. With assistance of the learned Advocate for the parties, I have perused the record place before me.

9. Prosecution case is on circumstantial evidence. In a case of circumstantial evidence there must be a chain of evidence so complete as do not leave any ground for conclusion consistent with the innocence of the Accused and must show that in all human probabilities the act must have been done by the Accused.

10. As per the allegations, the deceased is said to have been taken by four person in a rickshaw to the scene of offence. If the

said case of prosecution is considered, then there should be five passengers in the rickshaw. CCTV footage relied by the prosecution indicates four persons alighting from the rickshaw. CCTV footage as submitted by Mr. Chate is blur.

11. There are inconsistencies in respect of the presence of the Applicant at the scene of offence in the statements of the prosecution witnesses i.e. Mr. Santosh Kakad and Mr. Omkar Changale.

12. Prosecution relies on the statement of Harshad Solapurkar for the purpose of the Applicant being last seen with the deceased. Here again, prima facie there is no certainty with regards to the time gap between the point of time when the Applicant and the deceased were found together alive and when the deceased was found dead.

13. Material placed on record prima facie does not support the case of prosecution qua the Applicant.

14. Applicant is in custody since 17th June, 2024. Investigation is completed. Charge-sheet is filed. There are no compelling circumstances for continuing incarceration of the Applicant pending trial. Mr. Akshay Bankapur, learned Advocate for the Applicant stated that the Applicant does not have any criminal antecedents.

15. In view of the above, as the Applicant is entitled to bail. Bail Application is allowed on the following conditions :

- (a) Applicant is directed to be released on bail in Crime No. 153 of 2024 registered with Mhasrul Police Station, Nashik on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge-7, Nashik.
- (b) Applicant shall report to Investigating Officer, Mhasrul Police Station, Nashik on 5th and 25th of each month from 10 a.m. to 12 p.m.
- (c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence
- (d) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Mhasrul Police Station, Nashik.
- (e) Applicant shall attend each and every date of hearing before the Trial Court in Sessions Case No. 433 of 2021, unless exempted.
- (f) Applicant shall not leave the State of

Maharashtra without prior permission of Investigating Officer, Mhasrul Police Station, Nashik.

16. Bail Application No. 2343 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)