

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

Bail Application No.2674 of 2025

Atharva Nitin More

Age: 19, Occ.: Labour,

R/o: Rihe, Mulshi, Pune

(Currently lodged in Yerwada

Central Prison)

... Applicant

Versus

The State of Maharashtra

(Through Paud Police Station)

... Respondent

Mr Satyavrat Joshi, a/w. Ms Shivani Kondekar, i/b. Mr Priyesh More, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PSI YA Jadhav, Paud Police Station, is present.

Coram: R.N. Laddha, J.

Date: 7 October 2025.

P.C.:

By this application the applicant seeks bail in connection with the CR No.643 of 2023 registered with Paud Police Station, Pune, for the offences punishable under Sections 307, 326, 324, 323, 341, 452, 427, 504, 506, 143, 147, 148, 149 of the Indian Penal Code 1860, Sections 4 and 25 of the Arms Act, 1959, read with Sections 3 and 7 of the Criminal Law Amendment Act, 2013.

2. It is the case of the prosecution that, on 23 December 2023, at about 18:30 hrs., the informant was proceeding on his motorcycle when he observed a group of four individuals standing on the roadway. These individuals were accompanied by three other persons positioned at a short distance near a stationary car. By virtue of the illumination emanating from the headlamp of his motorcycle, the informant was able to identify two of the four persons present on the road, namely, the present applicant who was armed with a koyta and co-accused Mangesh Palve who was wielding an axe. The remaining two individuals were carrying bamboo sticks. It is further alleged that one of the co-accused struck the informant on his back with the blunt side of the axe, thereby causing him to fall from his motorcycle. Subsequent to this, the accused persons damaged the motorcycle and proceeded to physically assault the informant using the blunt sides of their respective weapons. The prosecution further contends that the accused persons issued verbal threats to murder the informant compelling him to flee the scene and take refuge at his residence.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present matter. It is submitted that the alleged incident is stated to have occurred on 23 December

2023, yet the FIR came to be lodged belatedly on 24 December 2023, thereby raising serious doubts regarding the veracity of the prosecution's case. The learned Counsel further submits that the injuries sustained by the informant are superficial and simple in nature, and as per the informant's own statement, the alleged assault was carried out using the blunt side of the weapon, rather than the sharp edge. In view of the same, it is argued that the requisite *mens rea* or intention to commit murder cannot be attributed to the applicant.

4. It is further submitted that the informant's statement suffers from material contradictions. Specifically, while the informant alleges that the applicant was armed with a koyta at the time of the incident, the CCTV footage annexed to the record however depicts the applicant holding a dog in his hands, and not any weapon. This discrepancy, it is submitted, casts serious doubt on the reliability of the informant's version. The learned Counsel also invokes the principle of parity submitting that the co-accused Nilesh has already been granted bail by this Court vide order dated 16 October 2024 passed in Criminal Bail Application No.3337 of 2024. It is submitted that the applicant stands on a similar footing and is therefore entitled to the benefit of parity. It is further submitted that the weapons allegedly used in the commission of the offence have

already been recovered from the scene of the incident, and the investigation has culminated in the filing of the chargesheet. Hence, there remains no further recovery or discovery to be effected from the applicant.

5. The learned Counsel submits that the applicant is a young individual who has been languishing in jail since 27 December 2023, and that continued incarceration would be unduly harsh. The applicant is willing to abide by any conditions that may be imposed by this Court, including a direction restraining him from entering a jurisdictional limit of the concerned district.

6. The learned Additional Public Prosecutor representing the respondent/State, has vehemently opposed the present application. He submits that the offence is of a grave and serious nature, involving acts of criminal intimidation and physical assault with deadly weapons. It is contended that the applicant, in connivance with co-accused persons, not only threatened to murder the complainant but also physically assaulted him using weapons. The learned APP further submits that one of the co-accused persons, namely Mangesh, has a history of criminal antecedents, including offences punishable under the MCOCA, thereby indicating a pattern of organised criminal behaviour. The learned APP submits that the collective

conduct of the accused persons was aimed at instilling fear and terror among the villagers, and that the incident in question was not an isolated act but part of a broader attempt to assert dominance through violence and intimidation. Referring to the statement of the prosecution witnesses, the learned APP submits that the informant was able to escape from the clutches of the accused only due to the timely intervention of one of the witnesses, which underscores the imminent threat posed by the applicant and his associates. It is also brought to the Court's attention that one of the co-accused persons remains at large.

7. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. The prosecution alleges that the applicant along with co-accused persons, assaulted the informant using the blunt side of the weapons and issued threats to murder him. There appears to be a delay in lodging the FIR. The alleged incident occurred on 23 December 2023, whereas the FIR came to be lodged only on 24 December 2023. The delay in lodging the FIR, though not inordinate, remains unexplained and casts a shadow of doubt on the spontaneity and credibility of the informant's version. The medical report demonstrates that the injuries sustained by the informant are superficial and simple in nature. The informant himself has stated that the assault was carried

out using the blunt side of the weapons. In the absence of grievous injuries or use of sharp side of the weapons, the requisite *mens rea* to commit an offence punishable under Section 307 of the IPC, in the facts and circumstances of the case is debatable. The material contradiction arises from CCTV footage annexed to the record, which depicts the applicant holding a dog at the relevant time, contrary to the informant's assertion that the applicant was armed with a koyta. It is an admitted position that co-accused Nilesh has already been granted bail by this Court. The applicant stands on a similar footing and is therefore, entitled to the benefit of parity.

8. Furthermore, the weapons allegedly used in the commission of the crime have already been recovered, and the investigation has culminated in the filing of the chargesheet. No further recovery or custodial interrogation of the applicant is warranted. The applicant, a young boy aged about 19 years, has been languishing in jail since 27 December 2023 without any substantial progress in the trial proceedings. The applicant has expressed willingness to abide by any conditions imposed by this Court, including a direction restraining him from entering the jurisdiction limits of the concerned district, thereby mitigating any apprehension of tampering with evidence or influencing witnesses. The learned APP has opposed the

application on the ground of alleged criminal antecedents of the co-accused Mangesh. However, it is not the prosecution's case that the present applicant has any criminal antecedents. The principle of individual culpability should be applied, and the applicant cannot be denied bail solely on account of the antecedents of the co-accused.

9. In view of the foregoing and considering the contradictions prosecution's case, the nature of injuries, parity with co-accused, and the applicant's continued incarceration without any progress in the trial proceedings, this Court is of the opinion that the applicant deserves to be enlarged on bail, subject to appropriate conditions. Hence, the following order :

Order

(i) The applicant shall be released on bail in CR No.643 of 2023 registered with Paud Police Station, Pune, upon furnishing a PR Bond of Rs. 25,000/- with one or more sureties in the like amount to the satisfaction of the jurisdictional Court.

(ii) The applicant shall not enter the jurisdiction of the Paud Police Station of Pune District until the conclusion of the

trial, and shall not, either personally or through any other person, attempt to tamper with prosecution evidence or issue any threats, inducements, or promises to prosecution witnesses.

(iii) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(iv) The applicant shall regularly attend the trial proceedings before the jurisdictional Court.

10. The application stands disposed of accordingly.

[R.N. Laddha, J.]