

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

CRIMINAL BAIL APPLICATION NO. 2874 OF 2025

Rajkumar Vaijanath Biyar ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Madhusudan Pareek, Advocate for the Applicant.
Dr. Ashwini A. Takalkar, APP for Respondent/State.
Mr. Kisan D. Kale-PSI, Dindori Police Station District Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JULY, 2025.

P.C. :

1. Heard Mr. Madhusudan Pareek, learned Advocate for the Applicant and Dr. Ashwini Takalkar, learned APP for the Respondent-State.
2. By the present Bail Application, Applicant is seeking bail in connection with Crime No. 352 of 2023 registered with Dindori Police Station for the offences punishable under Sections 302, 324, 323, 504, 506 of the Indian Penal Code (for short "IPC"). Said crime is registered as Sessions Case No. 363 of 2023 and is pending on the file of Additional Sessions Judge, Nashik.
3. Case of the prosecution is that on 9th July, 2023, Soharaikumar Rampravesh Rikiyasan was assaulted by the Applicant with a knife. Assault was on the neck of Yogesh Vishwashar Rikiyassn. Yogesh Vishwashar Rikiyassn succumbed to the injuries.
4. Applicant was arrested on 10th July, 2023 since then he is in

jail. Bail Application at Exhibit-3 filed by the Applicant in Sessions Case No. 363 of 2023 was rejected by the Additional Sessions Judge, Nashik on 23rd February, 2024.

5. Mr. Madhusudan Pareek, learned Advocate for the Applicant, submitted that the involvement of the Applicant in the crime appears to be doubtful. He submits that after the alleged assault, the Applicant was detained by the other labourers present at the site. He submits that the Applicant was handed over to the police by the labourers on 10th July, 2025. He submits that the knife alleged to be used in the crime was recovered from a place at the distance from the place of incident. He submits that the Applicant being in custody of the labourers immediately after the assault till the time he was handed over to the police, it is improbable to claim that the Applicant had conceal the knife at a place which is as a distance from the place of incident. Thus, according to him recovery of the knife made at the instance of the Applicant under Section 27 of the Indian Evidence Act creates a doubt. He submits that the trial in the Sessions Case No. 363 of 2023 has not commenced and there is every possibility of the trial being delayed.

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6. Dr. Ashwini Takalkar, learned APP for the Respondent-State, submits that the offence in the present crime was committed on 9th July, 2023 at about 9.30 p.m. She submits that the Applicant was arrested on 10th July, 2023 at 11.30 a.m. as evinced from the charge-sheet and therefore, the Applicant had all the time with him from 9.30 a.m. till 10th July, 2023 11.38 a.m. to conceal the knife at the place from which it was recovered at the instance of the Applicant. She submits that there are two eyewitnesses to the present crime who have seen the Applicant assault the deceased with the knife on his neck. She

submits that there is sufficient material on record to establish the Applicant having committed the offence of murder.

7. I have perused the records with the assistance of the learned Advocates of the parties.

8. Perusal of the charge-sheet indicates that the alleged offence, i.e. the Applicant assaulting Yogesh Vishwashar Rikiyassn with a knife on his neck, which resulted in his death, is witnessed by two eye-witnesses. Both the eye-witnesses have narrated the incident in detail and assigned a specific role to the Applicant, of he being the assailant. Weapon used in the crime is recovered at the instance of the Applicant. Clothes are also recovered at the instance of the Applicant.

9. Charge-sheet reveals the date and time of arrest of the Applicant as 10th July, 2023 at 11.30 a.m. Dr. Ashwini Takalkar, learned APP for the State, would therefore be justified in her submission that the Applicant had sufficient time from 9.30 a.m. of 9th July, 2023 up to 10th July, 2023 till about 11.30 a.m. to conceal the weapon used in the crime. I am unable to accept the contention of learned Advocate Mr. Madhusudan Pareek with respect to the recovery of knife.

10. Prima facie, there is no material on record so as to doubt genuineness of the prosecution case.

11. In view of the above, Criminal Bail Application No.2874 of 2025 is dismissed.

(ASHWIN D. BHOBE, J.)