

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2964 OF 2025

Suraj Lakshman Nirmal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam a/w Ms. Nishi Singhvi, learned Advocates for the Applicant.

Dr. Ashvini A. Takalkar, learned A.P.P. for the State/Respondent.

PSI Mr. A. K. Mulla attached to Talegaon Dabhade Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 29th JULY 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Dr. Ashvini Takalkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 18 of 2025 registered with Talegaon Dabhade Police Station, Pimpri-Chinchwad, Pune for the offences punishable under Sections 103(1), 61(2), 126(2), 189(1)(2)(4) and 191(3) read with 190 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short), Section 4, 25 of the Indian Arms Act, 1959, Section 37(1) of the Maharashtra Police Act, 1951 and Section 7 of the Criminal

Law Amendment Act, 2013.

3. There are 11 accused persons in the present crime. Applicant is Accused No. 3. Accused Nos. 7 to 11 are the juveniles.

4. Case of the prosecution is that the accused persons in conspiracy with each other gave a dash to Aactiva vehicle of Aryan Shankar Bedekar (deceased) and thereafter, mercilessly assaulted Aryan Bedekar. Motive for such assault is the previous enmity. Aryan Bedekar succumbed to the injuries.

5. Applicant was arrested on 1st February 2025, since then he is in jail. Criminal Bail Application No. 130 of 2025 filed by the Applicant, was rejected by the learned Additional Sessions Judge, Vadgaon, Maval, District-Pune by order dated 2nd May 2025.

6. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the Applicant is not named in the First Information Report. He submits that the sole eye witness in the present crime Aditya Nilesch Chapatkar though has made reference to the incident and has named the other accused persons, however he has neither named the Applicant nor referred to the Applicant in his statement. He submits that subsequently on 7th February 2025, statements of three prosecution witnesses were recorded, who in their statements have contended that Aditya Chapatkar informed them about the presence of Applicant on site. He submits that the said statements of all three prosecution witnesses are totally contrary to the statement of the eye witness Aditya Chapatkar. To clarify, he submits that the Aditya Chapatkar himself having not named the Applicant, other three prosecution witnesses stating that Aditya

Chapatkar has named the Applicant, creates doubt on the statements of those three prosecution witnesses. He submits that no role is assigned to the Applicant in the said crime. He submits that the Applicant has been arrested on the mere suspicion. He submits that the Applicant does not have any criminal antecedents.

7. Dr. Ashvini Takalkar, learned A.P.P. for the State/Respondent by referring to the statement of Aditya Chapatkar submits that Aditya Chapatkar has referred to presence of two unknown persons at the place of incident. She submits that though Aditya Chapatkar has not named the Applicant, the presence of Applicant at the place of incident is established, as Aditya Chapatkar in the Test Identification Parade has identified the Applicant to be one of the two unknown persons present at the site at the time of incident. She submits that Aditya Chapatkar has stated that all the persons present had participated in the assault.

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

9. Perusal of the charge-sheet reveals that the Applicant is not named either in the FIR or in the statement of Aditya Nilesh Chapatkar, who is said to be the eye witness to the incident. Aditya Chapatkar in his statement has assigned specific roles to the accused persons named in the FIR. Assault on Aryan Bedekar (deceased) with the knife, is by Santosh Bagappa Koli (Accused No. 4). Statements of the witnesses, indicate the other accused persons named in the said crime, were assaulting Aryan Bedekar with wooden rod and also by fist and blows. There is no material on

record to indicate the involvement of the Applicant in the said assault.

10. *Prima facie*, the complicity of the Applicant in the said crime is not supported by the material on record. Applicant does not have any criminal antecedents, as stated by Mr. Kuldeep Nikam. In view of the above, detention of the Applicant pending the trial is not warranted.

11. In the result, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 18 of 2025 registered with Talegaon Dabhade Police Station, Pimpri-Chinchwad, Pune for the offences punishable under Sections 103(1), 61(2), 126(2), 189(1)(2)(4) and 191(3) read with 190 of the BNS, Section 4, 25 of the Indian Arms Act, 1959, Section 37(1) of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law Amendment Act, 2013 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Vadgaon, Maval, District-Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any

police officer.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Talegaon Dabhade Police Station, Pimpri-Chinchwad, Pune and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of the case before the Additional Sessions Judge, Vadgaon, Maval, District-Pune, on each and every date, unless exempted from appearance.

12. Criminal Bail Application No. 2964 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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