

Nikita

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

BAIL APPLICATION NO.3013 OF 2025

Sudam Alias Sudhakar Ramu Kamadi ... Applicant

V/s.

The State of Maharashtra ... Respondent

NIKITA
KAILAS
DARADE
ADVOCATE
CHANDRANAGAR
MUMBAI-400 004 (IN)
98201 52444

WITH

BAIL APPLICATION NO.3022 OF 2025

Kantilal Ramu Kamadi ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Vivekanand Krishnan for the Applicants in
BA/3013/2025 and BA/3022/2025.

Ms. M. H. Mhatre, APP for the State in BA/3013/2025.

Mr. A. A. Palkar, APP for the State in BA/3022/2025.

Mr. B. D. Gawali, PSI, Abhona Police Station, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATED : 1st AUGUST, 2025

PC.:

1. Heard Mr. Vivekanand Krishnan, learned Advocate for the Applicants, Ms. M. H. Mhatre, APP for the State in Bail Application No.3013 of 2025 and Mr. A. A. Palkar, APP for the State in Bail Application No.3022 of 2025.

2. By the present applications, filed under Section 483 of

Bharatiya Nagarik Suraksha Sanhita, 2023, Applicants are seeking bail in connection with C. R. No.32 of 2025 registered with Abhona Police Station, Kalwan Nashik, for the offences punishable under Sections 103(1), 109, 118(1), 49, 189(2), 191(1), 191(2), 190 of the BNS, 2023 and under Section 37(1)(3), 135 of Maharashtra Police Act, 1951. Said crime is registered as Sessions Case No.263 of 2025 and is pending on the file of Additional Sessions Judge, Nashik.

3. Applicant (Sudam Sudhakar Kamadi) in Bail Application No.3013 of 2025 is Accused No.6, whereas Applicant (Kantilal Ramu Kamadi) in Bail Application No.3022 of 2025 is Accused No.7 in the said crime.

4. Case of the prosecution is that the family of Vishal Devidas Pawar (Complainant) and the family of Suresh Vitthal Pawar (Accused No.1) were having dispute over property /land issues. On 26.01.2025, a fight broke between the family members of the Complainant and the family members of Accused No.1. In the said incident, Jijabai Pawar (deceased) was assaulted, who succumbed to the injury caused to her in said assault. Applicants herein arrived at the place of incident after the death Jijabai Pawar. Applicants are alleged to have instigated the other accused to continue with said crime.

5. Applicants were arrested on 28.01.2025, since then they are in jail. Bail Application No.734 of 2025, filed by Accused No.6 was rejected by the Additional Sessions Judge, Nashik, on 28.04.2025, whereas Bail Application at Exhibit-20 filed by the Accused No.7 in

Sessions Case No. 263 of 2025 was dismissed on 10.07.2025.

6. Mr. Vivekanand Krishnan, learned Advocate for the Applicants appearing for the Applicants, submits that the Applicants were not present at the place of incident where Jijabai Pawar was killed. He submits that Applicants arrived at the site after the death of Jijabai Pawar and are alleged to have encouraged and instigated the other Accused in the crime, to continue with the assault. He submits that there is no motive attributed to the Applicants. He submits that the Applicants do not have any criminal antecedents.

7. Ms. M. H. Mhatre, learned APP in Bail Application No.3013 of 2025 and Mr. Amit Palkar, learned APP in Bail Application No.3022 of 2025, submit that though the Applicants arrived at the place of incident after the death of Jijabai Pawar, Applicants participated in the crime by instigating the other Accused to continue with the commission of further offence. They submit that the presence of the Applicants and the encouragement given by them to the other Accused to commit further crime, is sufficient material to show the involvement of the Applicants in the crime.

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

9. Allegations against the Applicants, are of having reached at the place of incident, after the death of Jijabai Pawar. Eye-witness Kishor Devidas Pawar in his statement has stated as follows:

"त्याच वेळी तेथे काका सुरेश पवार यांचे व्याही सुदाम रामू कामडी व कांतीलाल रामू कामडी, दोघे रा. वरखेडा, ता. कळवण हे तेथे आले"

10. Statement of the eye-witness indicates that the Applicants arrived at the place of incident after the death of Jijabai Pawar. No motive is attributed to the Applicants. Prima facie, material on record do not indicate role of the Applicants in the murder of Jijabai Pawar. Mr. Vivekanand Krishnan, states that the Applicants, do not have any criminal antecedents. Considering the nature of allegations and the material on record, continuation of the Applicants in jail till conclusion of the trial is not warranted.

11. In view of the above, the present Bail Applications are allowed, on the following conditions:

- a) Applicants are directed to be released on bail in connection with C. R. No.32 of 2025 registered with Abhona Police Station, Kalwan Nashik, on their furnishing PR bond in the sum of Rs.25,000/- each, with one or two local sureties in the like amount to the satisfaction of Additional Sessions Judge, Nashik.
- b) Applicants shall attend and regularly appear before the Additional Sessions Judge, Nashik in Sessions Case No.263 of 2025 on each date of hearing, unless specifically exempted by the Court.
- c) Applicants shall report to the Investigation Officer, Abhona Police Station, Kalwan Nashik, on the first Saturday of every month from 10.00 am to 12.00 noon till the framing of charge in Sessions Case No.263 of 2025.
- d) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

e) Applicants upon their release, within 3 days shall furnish to the Investigation Officer, Abhona Police Station, Kalwan Nashik, their residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

12. Observations made in this order are for the limited purpose of this application and shall not have any effect on the merits of the case. Parties are at liberty to agitate their respective cases at the time of trial.

13. Bail Application No.3013 of 2025 and Bail Application No.3022 of 2025 allowed in the above said terms.

(ASHWIN D. BHOBE. J.)