

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

Bail Application No.3484 of 2025

Nilesh Dattatray Chougule,
Aged about 40 years,
Occupation Real Estate Agent
Residing at Flat No.3, A-6,
National Park Society,
Manikbaug, Sinhgad Road, Pune
(At present in judicial custody
and lodged at Yerwada Prison, Pune)

... Applicant

versus

The State of Maharashtra
(at the instance of Senior Inspector of Police,
Sinhgad Road Police Station
vide F.I.R. No.I-384 of 2018)

... Respondent

Ms Bhagyashree Gaikwad, i/b. Mr Nitin Sejpal, for the
applicant.

Mr SS Pednekar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 15 September 2025.

P.C.:

Heard Ms Bhagyashree Gaikwad, the learned Counsel
appearing on behalf of the applicant, and Mr SS Pednekar, the
learned Additional Public Prosecutor representing the
respondent/ State.

2. By this application, the applicant seeks bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with CR No.384 of 2018, registered with Sinhagad Road Police Station, Pune, for the offences punishable under Sections 302, 201, 143, 144, 147, 148 and 149 of the Indian Penal Code, Section 4(25) of the Arms Act, 1959, and Sections 37(1) read with 135 of the Maharashtra Police Act, 1951.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. She contends that there is no incriminating material or any overt act attributable to the applicant, and the co-accused have already been released on bail. Furthermore, the applicant was released on temporary bail due to medical reasons and does not pose a flight risk. The learned Counsel submits that the trial is unlikely to conclude in the near future and requests the release of the applicant on bail.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/State, strongly resists the grant of bail to the applicant. He draws the Court's attention to the applicant's extensive criminal history, noting that there are as many as 58 criminal antecedents against him—details which, notably, have not been disclosed in the present

bail application. He submits that the present bail application is premature and violative of the liberty previously granted by this Court and refers to the order dated 24 February 2025 passed in Bail Application No.1165 of 2024, wherein this Court had explicitly allowed the applicant to renew his request for bail only after a period of six months. Despite this, the present application was filed on 4 September 2025, falling short of the prescribed timeline. Furthermore, Mr Pednekar asserts that the offence is of a grave and serious nature. The trial is in progress, and ten witnesses have been examined thus far. The learned APP expresses apprehension that the applicant, if enlarged on bail at this critical juncture, may attempt to influence or intimidate prosecution witnesses, thereby obstructing the fair and effective dispensation of justice.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. Upon a meticulous perusal of the record, it appears that the applicant is not only accused of actively participating in an unlawful assembly but is also alleged to have inflicted a grievous and brutal assault upon the deceased, culminating in the latter's unfortunate demise. Significantly, the applicant is found to have as many as 58 criminal antecedents, a fact of

considerable relevance, which has been conspicuously and inexplicably omitted from the present bail application. Such suppression of material information appears to be a calculated attempt to mislead this Court and constitutes a serious breach of the duty of candour expected in judicial proceedings. This deliberate concealment is in direct contravention of the binding precedent laid down by the Hon'ble Supreme Court in *Munnesh Vs State of Uttar Pradesh, 2025 SCC OnLine SC 1319*.

7. That apart, this Court, vide order dated 24 February 2025, passed in Bail Application No.1165 of 2024, had granted to the applicant liberty to renew his request for bail after a period of six months. Nonetheless, the present application was filed prematurely on 4 September 2025, solely on the ground that the co-accused has been enlarged on bail. Notably, the records reveal that the alleged weapon used in the crime was recovered at the applicant's behest, and the statement of witnesses specifically implicates the applicant. Prima facie, there is sufficient material on record to indicate the applicant's involvement in the crime. Additionally, the trial is in progress, with ten prosecution witnesses already examined, and the testimony of key witnesses is being presented. Granting bail to the applicant at this juncture would not only impede the

smooth conduct of the trial but also risk exerting influence over witnesses and tampering with evidence.

8. Having regard to the grave and serious nature of the offence, the applicant's criminal antecedents, his conduct in suppressing material facts, and the ongoing trial, this Court finds no justifiable ground to extend the indulgence of bail. Accordingly, the present bail application is rejected.

(R.N. Laddha, J.)