

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

Bail Application No.3683 of 2025

Nikhil Dilip Watane

Age 20 years, Occ: Student,

R/at Mauje Aandeshe, Tal-Mulshi,

Dist : Pune.

(At present Yerwada Central Prison, Pune) ... Applicant

versus

The State of Maharashtra

(At the instance of the P.I. Paud

Police Station, Pune.) ...Respondent

Mr Aniket Nikam, a/w Ms Abhilasha Pawar, for the applicant.

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

API B S Kamble, Paud Police Station, Pune Gramin, is present.

Coram: R.N. Laddha, J.

Date: 2 December 2025

P.C.:

By this application, the applicant (accused No.5) seeks bail in connection with CR No.260 of 2024, registered at Paud Police Station, Pune, for offences punishable under Sections 302, 504, 506(2), 143, 148, 149, 323, and 201 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959, and Sections 135 read with 37(1)(3) of the Maharashtra Police Act, 1951.

2. According to the prosecution, on 15 June 2024, around noon, near Gade Farmhouse on a footpath in Mauje Aandeshe, the informant and his deceased son, Shankar Santosh alias Gafur Tonde, had an argument with accused No.1 regarding placing a crate of mangoes on the road. After the altercation, everyone left to attend to their respective work. The deceased informed one Yogesh alias Pappu Dattu Shilimkar about the fight. Yogesh then explained the situation, calmed him down and left. Subsequently, around 6:00 p.m., the deceased went to the house of accused No.1 to question him about the fight that occurred in the afternoon. At that time, the deceased had an argument with accused No.4 and the present applicant. After this, the deceased left the location. Again, later that night, around 9:30 p.m., the deceased went to the house of accused No.1, where another argument took place with accused Nos.1 and 4 and the applicant. They managed to resolve the argument, and the deceased left the location. It is further alleged that later, bearing a grudge over the previous arguments, accused Nos.1, 2 and 3 chased the deceased and assaulted him with a stone and a sharp-edged weapon, causing bleeding injuries, thereby murdering him.

3. Mr Aniket Nikam, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence,

contends that the applicant has been falsely implicated in the crime. It is submitted that the applicant is not concerned with the alleged offence. As per the prosecution's own case, an earlier argument with the deceased had been resolved and the deceased left. The applicant was not named in the FIR, and no overt or covert act is attributed to the applicant. There are no eyewitnesses to the incident. The learned Counsel submits that there is nothing to be recovered or discovered from the applicant. The applicant has been languishing in jail since 17 June 2024. The co-accused, whose role is similar to that of the applicant, has already been released on bail, and the applicant is entitled to the benefit of parity. The applicant has no criminal antecedents. Mr Nikam further submits that the applicant has roots in society and is not a flight risk. The applicant is ready to abide by any conditions this Court deems fit to impose.

4. On the other hand, Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the applicant actively participated in the crime. The prior altercation with the deceased was the motive for the commission of the present crime. The offence is of a grave and serious nature. The learned APP raises concerns that the applicant may tamper with evidence or influence witnesses if

granted bail.

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

6. Upon perusing the records, it appears that the present applicant was involved in an alleged argument with the deceased prior to the occurrence of the alleged incident in question. Even assuming the prosecution's case at its face value, the argument between the applicant and the deceased was resolved before the alleged assault. There is no specific or overt act attributed to the applicant in the commission of the alleged offence. A perusal of the case records reveal that there is no any cogent or credible material to *prima facie* demonstrate the applicant's involvement in the commission of the alleged crime. Furthermore, it appears from record that accused No.4, whose role mirrors that of the applicant, has already been granted bail. The apprehensions expressed by the learned APP about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions.

7. Having regard to the fact that there is no cogent or substantive material on record *prima facie* connecting the applicant with the commission of the alleged offence, coupled with the undisputed position that the applicant does not have

any criminal antecedents and has been incarcerated since 17 June 2024, with no progress in the trial proceedings till date, this Court deems it fit to enlarge the applicant on bail. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.260 of 2024, registered at Paud Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall cooperate and regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)