

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

Bail Application No.3700 of 2025

Akash Atul Kadam

Age- 21 years, Occ. Pvt Service

R/at Ota Scheme Nigdi, Dist Pune.

(At present detained in Central
Prison Yerwada, Pune.)

... Applicant

versus

The State of Maharashtra

Through Nigdi Police Station Pune

(CR No.06/2025)

Notice to be served on the APP

High Court, Mumbai.

... Respondent

Ms Shubhangi Parulekar, along with Ms Varsha Bhosale and Ms
Vrunda Surve, for the applicant.

Mr SV Walve, APP, for the respondent/ State.

PSI Mahesh Satpute, Nigdi Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 25 September 2025.

P.C.:

The applicant seeks bail under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with
CR No. 6 of 2025, registered at Nigdi Police Station, Pune, for
the offences punishable under Sections 109, 118(1), 115(2),
351(2), and 352, read with Section 3(5) of the Bharatiya Nyaya

Sanhita, 2023, Section 4(25) of the Arms Act, 1959, and Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 8 January 2025, the applicant, along with the co-accused, attacked the informant, Kalib Borge, and his friend, Rohan Phanekar, while they were returning home. It is further the prosecution's allegation that in the course of the said incident, the applicant did criminally intimidate the victims by issuing threats of dire consequences, and thereafter, with the deliberate intent and knowledge to cause death of the informant, assaulted him by means of an iron sickle, inflicting a grievous injury upon his head. The prosecution further asserts that the co-accused actively participated in the assault by wielding a wooden stick and by delivering kicks and fist blows upon both the informant and his companion.

3. Ms Shubhangi Parulekar, 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. She submits that the genesis of the prosecution case lies in a prior enmity arising out of strained personal relations. Specifically, it is submitted that one Rohan was engaged in a relationship with the sister of the applicant's friend. It is further

contended that on the date of the alleged incident, when the applicant was merely passing through the location in question, Rohan and informant, without provocation, subjected the applicant to verbal abuse. This verbal exchange escalated into a physical altercation, during which the informant attempted to assault the applicant with a scythe. The said assault narrowly miss the applicant but, in the process of warding off the blow in self defence, the applicant sustained an injury to his finger. The learned Counsel points out that in respect of the said incident, a cross-FIR has also been registered against the informant and his associate. The learned Counsel further submits that the weapon purportedly used in the crime was recovered not from the possession of the applicant but from an open space accessible to the public. Furthermore, no blood stains have been detected on the said weapon, thereby casting grave doubt on the prosecution's version. She further draws the attention of this Court to the fact that the investigation in the matter has already been completed, and thereby remains no further recovery or discovery to be made from the applicant. The charge sheet has already been filed and it is pertinent that the co-accused, similarly situated, have been enlarged on bail.

4. Lastly, it is urged that the applicant is a law abiding

citizen, ready and willing to abide by any conditions that this Court may impose while granting bail. In light of these circumstances, it is prayed that the applicant deserves to be released on bail.

5. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the applicant's plea for bail. He submits that the offence is of a grave and serious nature, with specific allegations that the applicant inflicted grievous and bleeding injuries on the informant using a sickle. The learned APP further submits that if released on bail, the applicant may tamper with the evidence and exert influence on witnesses.

6. Upon perusing the records, it is alleged that the applicant verbally abused the informant and his associate, and further assaulted the informant by inflicting a blow with an iron sickle on the left side of his head above the ear. The alleged incident is stated to have occurred on 8 January 2025, during day light hours. However, the FIR was registered only on 9 January 2025, suggesting a delay. It is pertinent to note that the alleged incident took place in a public setting, yet no independent witnesses have been cited or examined. The prosecution has failed to record the statement of one Rohan, who is purportedly a friend of the informant and was allegedly also

assaulted during the same incident. Furthermore, the injury certificate produced on record is deficient in material particulars. It does not specify the nature, severity, or classification of the injury sustained by the informant, nor does it corroborate the allegations made in the FIR. The medical evidence, therefore, does not lend adequate support to the prosecution's version.

7. The iron sickle allegedly recovered at the instance of the applicant has not been found to bear any blood stains, contrary to the prosecution's assertion that it was used in the commission of the offence. This discrepancy further undermines the evidentiary value of the recovery. It is also brought to the Court's attention that a counter FIR has been registered against the informant and his associate, suggesting that the incident may have been a result of a mutual altercation, and not a unilateral assault by the applicant.

8. The investigation in the present matter has been completed and a charge sheet has been filed before the competent Court. The trial will proceed in due course, and no purpose would be served by keeping the applicant in custody.

9. In light of the foregoing circumstances, this Court finds it appropriate to enlarge the applicant on bail. Hence, the

following order :

ORDER

- (i) The applicant shall be released on bail in CR No.6 of 2025, registered at Nigdi 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 and influence witnesses.
- (iii) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

[R.N. Laddha, J.]