

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

CRIMINAL BAIL APPLICATION NO. 4442 OF 2025

Akshay Subhash Kuvar ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Mihir N. Kasliwal i/b Mr. Rahul J. Kasliwal, learned Advocate for the Applicant.

Mrs. Shilpa Talhar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th DECEMBER 2025.

P.C. :

1. Heard Mr. Mihir Kasliwal, learned Advocate for the Applicant and Mrs. Shilpa Talhar, 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. 463 of 2024, registered with Dindori Police Station, District-Nashik Rural for the offences punishable under Sections 103(1) & 238 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 (“**BNS**” for short). Said Crime No. 463 of 2024 is now registered as Sessions Case No. 118 of 2025 and is pending before the Court of Additional Sessions Judge, Nashik.

3. There are 2 accused persons in the-present crime. Applicant

is Accused No. 2.

4. Case of the prosecution is that from 23.11.2024 Tejas @ Deepak Ramesh Gangode (deceased Tejas) was taken away by the Accused and they committed his murder. Deadbody of deceased Tejas was found at Vanarwadi Shivar, near Rajyog Hotel, Dindori to Nashik Road. Accused attempted to destroy the evidence.

5. Applicant was arrested on 25.11.2024, since then he is in jail. Criminal Bail Application at Exhibit-3 filed by the Applicant in Sessions Case No. 118 of 2025, was rejected by the learned Additional Sessions Judge, Nashik by order dated 30.08.2025.

6. Mr. Mihir Kasliwal, learned Advocate for the Applicant submits that the prosecution is based on the circumstantial evidence. He submits that neither any recoveries are made at the instance of Applicant, nor any material is placed on record indicating the involvement of the Applicant in the present crime. He submits that the Applicant does not have any criminal antecedents.

7. Mrs. Shilpa Talhar, learned A.P.P. for the State/Respondent submits that though the case of prosecution is based on the circumstantial evidence, the circumstances indicate the Applicant being seen in the company of the victim prior to his death, is sufficient material to indicate the involvement of the Applicant in the present crime. She on instructions from the Investigating Officer submits that the Applicant does not have criminal antecedents.

8. Perused the records with the assistance of learned Advocates for the parties.

9. Case of the prosecution is based on the circumstantial evidence. In a case of circumstantial evidence, there must be a chain of evidence so complete as do not leave any ground for conclusion consistent with the innocence of the Accused and must show that in all human probabilities, the act must have been done by the Accused.

10. There are inconsistencies in respect of the presence of the Applicant with the deceased. Material placed on record *prima facie* does not support the case of prosecution. Applicant is in jail since 25.11.2024. Mr. Mihir Kasliwal, learned Advocate for the Applicant submits that the charge in Sessions Case No. 118 of 2025 is not framed. Considering the Applicant having no criminal antecedents further custody of the Applicant is not warranted pending the trial.

11. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 463 of 2024, registered with Dindori Police Station, District-Nashik Rural for the offences punishable under Sections 103(1) & 238 read with Section 3(5) of the BNS on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Additional Sessions Judge, Nashik.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with facts of accusation, so as to dissuade such a person/s from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness in any manner.
- d. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Dindori Police Station, District-Nashik Rural and shall keep the same updated, in case of any change thereto.
- e. Applicant shall appear and report/attend before the Investigating Officer, Dindori Police Station, District-Nashik Rural once in a month on 2nd Saturday of every month from 10.00 a.m. to 1.00 p.m. till conclusion of trial of Sessions Case No. 118 of 2025.
- f. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 118 of 2025, pending on the file of Additional Sessions Judge, Nashik, on each and every date, unless exempted from appearance.
- g. Applicant shall not indulge himself in any activities,

which are similar to the present crime.

12. Criminal Bail Application No. 4442 of 2025 stands disposed of in the abovesaid terms..

[ASHWIN D. BHOBE, J.]

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