

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

Bail Application No.4485 of 2025

Sagar Sandu Chavan

Age : 21 years, Occ: Business,

R/o.: Swami Samarth Nagar,

Vitbhatti Road, Vihitgaon,

Nashik Road, District Nashik

(At present in Central Prison

Nashik Road)

... Applicant

versus

The State of Maharashtra

(At the instance of Niphad

Police Station, District Nashik)

Vide C.R. No.I-105/2025)

...Respondent

Mr Sahil Pandire, for the Applicant.

Mr P P Jadhav, APP, for Respondent / State.

PSI V B Nikam, Niphad Police Station, Nashik, is present.

Coram: R.N. Laddha, J.

Date: 3 December 2025

P.C.:

By this application, the applicant seeks bail in connection with CR No.105 of 2025, registered at Niphad Police Station, Nashik, for offences punishable under Sections 118(1), 333, 351(2), 309(6), 62, 111, and 112 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 20 March 2025, at around 10:30 p.m., four unknown individuals unlawfully entered the informant's residence armed with an iron sickle. They restrained the informant and his family, threatening to kill them if they raised an alarm. During the incident, the informant was assaulted, suffering a thumb injury caused by the iron sickle while resisting an attempt to be gagged with adhesive tape. Alarmed by his cries, the assailants abandoned the iron sickle and a motorcycle while fleeing under the cover of darkness. The investigation revealed that the accused persons intended to commit robbery. During the attack, accused No.1 allegedly attempted to gag the informant, the applicant (accused No.3) allegedly struck him with a sharp weapon, while accused Nos.2 and 4 restrained the informant's wife and grandson.

3. Mr Sahil Pandire, 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 FIR was lodged against unknown persons and that there is an unexplained delay in registering the crime. No incriminating material has been recovered at the applicant's behest, and the allegations against him are general in nature. Besides the mere allegations, there is no substantial material to demonstrate the applicant's involvement in the

crime. The learned Counsel further submits that the applicant has been languishing in jail since 17 April 2025, and that, with the investigation concluded and a charge sheet filed, no discernible purpose would be served by keeping the applicant in custody. The applicant has no criminal antecedents and is ready to abide by any conditions this Court imposes.

4. On the other hand, Mr PP Jadhav, 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 and was in constant touch with the co-accused. The learned APP raises apprehension that if granted bail, the applicant may tamper with the prosecution evidence and influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. From the case papers, it emerges that the alleged incident is stated to have occurred on 20th March 2025, pursuant to which the subject crime was registered against unknown persons. It is pertinent to note that, during the course of investigation, a Test Identification Parade was conducted wherein the co-accused were duly identified by the informant; however, the present applicant was not identified therein.

6. It further appears from the record that the statements of prosecution witnesses Dinesh Kale and Gauri Shinde merely indicate that the applicant had borrowed a motorcycle. The statements of witnesses regarding the alleged handing over of the vehicle to the applicant are inconsistent and do not inspire confidence. Furthermore, the statement of the prosecution witnesses do not attribute any overt act or direct involvement of the applicant in the commission of the alleged offence.

7. The prosecution has sought to contend that the applicant was in constant telephonic communication with the co-accused. However, the call detail records relied upon by the prosecution pertain to a SIM card registered in the name of one Sandip Pawar. There is no cogent material on record to *prima facie* establish that the said SIM card was ever in the possession or use of the applicant, or that it was utilised by him in furtherance of the alleged criminal conspiracy. Additionally, the statement of Sandip Pawar was not recorded.

8. The weapon purportedly used in the commission of the offence was not recovered from the possession or at the instance of the applicant and no incriminating material has been recovered from the applicant that would implicate him in the commission of alleged offence.

9. The applicant has been languishing in jail since 17th April 2025. It is an admitted position that the charges are yet to be framed. The applicant does not have any antecedents indicative of prior criminal conduct. The prosecution proposes to examine as many as twenty-seven witnesses and the trial is not likely to culminate in the near future. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence or influencing witnesses can be adequately addressed by imposing stringent conditions while enlarging the applicant on bail.

10. In view of the totality of the circumstances, the nature of the allegations, the material on record, the period of incarceration undergone, and the stage of the trial, this Court is of the opinion that the applicant deserves to be released on bail, subject to appropriate terms and conditions. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.105 of 2025, registered at Niphad Police Station, Nashik, 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 regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

(R.N. Laddha, J.)