

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

Bail Application No. 4535 of 2025

Amol Rajaram Pawar

Age 30 years, Indian Inhabitant,

Residing at : Kurhegaon,

Tal-Igatpuri, Dist. Nashik.

... Applicant

versus

The State of Maharashtra

@ Ghoti Police Station

Vide C.R. No.188 of 2023.

...Respondent

Ms Sana R Khan, for the Applicant.

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

PC 2940 S L Salve, Ghoti Police Station, Nashik Rural, is present.

Coram: R.N. Laddha, J.

Date: 5 December 2025

P.C.:

. By this application, the applicant seeks bail in connection with CR No.188 of 2023, registered with Ghoti Police Station, Nashik Rural, for offences punishable under Sections 302 read with 34 of the Indian Penal Code (IPC).

2. The prosecution alleges that on 14 May 2023, the applicant and co-accused murdered Aniket Shinde, brother-in-

law of informant Ganesh Jagtap. Ganesh's sister Komal was married to accused Sandeep Nikale, who was allegedly in an extramarital relationship with another sister, Sapna, leading to family discord. When Aniket confronted Sandeep, he was threatened. On the night of 14 May, after attending a wedding in Ghoti, Aniket left abruptly following a phone call. Ganesh and Ram More, who followed him, witnessed the applicant and co-accused assaulting Aniket on the Ghoti-Sinnar highway. The accused fled in a white Scorpio, and Aniket later died during treatment.

3. 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 pointed out that there is an unexplained delay of over six hours in lodging the FIR. While the alleged incident occurred at around 1:30 a.m., the FIR was registered only at 7:49 a.m., despite the police station being merely minutes away from the place of occurrence. Such a substantial and unexplained delay, without any satisfactory justification, casts serious doubt on the prosecution's version and supports the applicant's contention that he has been falsely named with an oblique motive. It is submitted that the prosecution has failed to explain the inordinate delay of over a month in recording the statement of

the alleged eyewitness, which seriously undermines the credibility of that testimony. No justification or compelling circumstances have been provided for this delay.

4. It is further contended that there are material inconsistencies between the FIR and the prosecution witnesses' statements, particularly regarding the registration number of the vehicle allegedly used by the accused to flee the scene. These discrepancies weaken the prosecution's case, especially as the FIR does not attribute any specific overt act to the applicant. The alleged motive is directed solely at co-accused Sandeep (accused No.1) and not at the present applicant. The alleged weapons of offence were also recovered only at the instance of the co-accused, not from the applicant. Additionally, there is a clear inconsistency between the number of assailants stated in the FIR and the witnesses' statements.

5. The learned Counsel further submits that although the applicant was arrested on 20 May 2023, charges are still not framed. With sixteen prosecution witnesses to be examined, the trial is likely to be delayed. Reliance is placed on the decisions of the Hon'ble Supreme Court in (i) Siddharth vs. State of Uttar Pradesh (2022)1 SCC 676; (ii) Rohit Koli vs. State of Maharashtra SLP (Cri) No.4935 of 2025; (iii) Monu Kisanlal

Kumar vs. State of Maharashtra, Special Leave to Appeal (Cri No(s) 1595 of 2025 dated 13 May 2024 and (iv) Zahur Haider Zaidi vs. CBI, Cri Appeal No.605 of 2019 arising out of SLP (Cri) No.2123 of 2018 to argue that prolonged incarceration without meaningful trial progress, and the conduct of co-accused, cannot justify denial of bail. It is further submitted that the applicant has no criminal antecedents and is willing to comply with any conditions imposed by the Court, including staying out of the jurisdiction of Ghoti Police Station until the trial concludes. He also undertakes not to seek any relaxation of such conditions.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail, citing the seriousness and gravity of the offence. It is submitted that the applicant and the co-accused, in furtherance of their common intention, assaulted the deceased with iron rods and a wooden log, causing injuries which resulted in his death. There are eyewitnesses to the incident, and the weapons used in the crime have been recovered from the co-accused. It is urged that, rather than grant bail, this Court may issue appropriate directions to the learned trial Court to expedite the hearing of the trial proceedings. The delay in the commencement of the trial, it is

argued, cannot be attributed to the prosecution, as one of the co-accused Vishal Nikalje, continues to remain absconding, thereby impeding the progress of the trial.

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

8. Upon perusing the records, it appears that the prosecution's case rests mainly on alleged eyewitnesses, yet one key eyewitness's statement was recorded over a month after the incident without explanation. There are also prima facie inconsistencies between the FIR and later statements, including the fleeing vehicle's number and the number of assailants. The alleged motive pertains only to the co-accused, Sandeep, not the present applicant. The weapons were recovered from the co-accused, and no incriminating material has been seized from the applicant or at his behest. The applicant has been languishing in jail since 20 May 2023, charges are yet to be framed, and with sixteen witnesses, the trial is unlikely to conclude in the near future. The delay caused by the absconding co-accused cannot indefinitely curtail the applicant's liberty. The applicant has no criminal antecedents and is willing to abide by all the conditions imposed by this Court, including remaining outside the jurisdiction of Ghoti

Police Station during trial. In light of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.188 of 2023, registered at Ghoti Police Station, Nashik Rural, 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 not enter the territorial jurisdiction of Ghoti Police Station till the conclusion of the trial, save and except to attend the trial proceedings.
- (iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the Inspector of the concerned Police Station, and shall inform the concerned officer of any change therein.
- (v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid reason.

(vi) Any breach of the above conditions shall entail cancellation of bail.

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)