

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1252 OF 2025****IN****CRIMINAL APPEAL NO. 676 OF 2023**

Shekhar Rahul Nikam

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Akshay Bankapur for Applicant/Appellant.
Mr. Ashish I. Satpute, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 7th August 2025.

P.C. :

1) This is a consecutive Application for bail under Section 389(1) of Criminal Procedure Code. The earlier Application i.e. Interim Application No. 2159 of 2023, preferred by the Applicant was disposed off as withdrawn by granting liberty to the Applicant to file fresh Application for bail, if the substantive Appeal preferred by the Applicant is not taken up for hearing within a period of one year from 12th January 2024. As the substantive Appeal of the Applicant could not be taken up for hearing, present Application is moved for bail.

2) Applicant is convicted under Sections 307, 384, 385, 386 & 387 of the Indian Penal Code and is sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default of payment of fine, to suffer further simple imprisonment of one year, by the learned Additional Sessions Judge-2, Nashik in Special (MCOC) Case No. 04 of 2017, by its Judgment and Order dated 9th May 2023.

3) In the present case, Applicant is the principal accused. The Applicant had demanded an amount of Rs.10,000/- as ransom from the PW-2, to which PW-2 had said that, he would give the said money within 2-4 days. After 10-15 days, the Applicant again approached PW-2 and demanded Rs.5,000/-, for which PW-2 asked for 2 days time. As the PW-2 did not pay the ransom, the Applicant threatened him with dire consequences. After 2 days, PW-2 gave Rs.5,000/- to Applicant in the presence of PW-1.

3.1) On 29th June 2017 at about 2:40 p.m., the Applicant along with other accused persons approached the PW-2, the victim heard voice from backside as "He is Sandip". Under the directions of Applicant i.e. "Ketan, he is Sandip, shoot him", the accused No.2 Ketan Nikam fired a round from his pistol on PW-2, which hit on his chest, causing injury. Applicant again directed co-accused Ketan Nikam to fire one more round, however the weapon got blocked / stuck and therefore second round was not fired. PW-2 was taken to hospital and was undergoing treatment for 8 days. The bullet fired from the weapon has been recovered from the body of the PW-2.

3.2) Suraj Bodake (PW-1) was accompanying Sandip Lad (PW-2) on the date and time of the incident. He has seen and heard the Applicant directing accused No.2 Ketan Nikam to fire at PW-2. He has seen the Applicant was present at the scene of the offence, not only actively participating in the crime but instigating and directing the accused No.2 in firing on the person of PW-2. The record further indicates that, the bullet extracted from the body of the PW-2 is tallied with the empty cartridge recovered from the the weapon used in the present crime. The F.S.L. Report and the evidence of concerned witnesses *prima-facie* supports the same.

4) As noted in our earlier Order dated 12th January 2024, there are already antecedents at the discredit of the Applicant. It appears that, he is a habitual offender and is involved in offence against human body.

4.1) Record indicates that, for a paltry amount of Rs.10,000/- the Applicant attempted to murder PW-2 with a firearm. As noted earlier, the Applicant is a habitual offender and as per the apprehension expressed by the prosecution, if released on bail, may not only take revenge against the witnesses but also will indulge into fresh crimes. Looking at the antecedents of the Applicant, it appears that, the apprehension expressed by the prosecution has substance in it. As such, grant of bail to the Applicant will certainly have an ill effect on the Society.

5) In view thereof, there is sufficient material against the Applicant to deny him the benefit of bail at this stage.

6) In view of the overwhelming evidence against the Applicant, we are not inclined to release him on bail.

7) Application is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)