



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.287 OF 2025
(Rushikesh Deepak Apotikar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Z.Z. Haq, Advocate for the applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 24, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 24/04/2024 in connection with Crime No.167/2024 registered with Police Station Ramdaspath, Akola, District Akola for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Rishikesh Sanjay Gaikwad on an allegation that the deceased is his younger brother. On 17/04/2024, his younger brother left the house and returned back at about 12:30 AM in the midnight. After some time his 2 – 3 friends came in front of the house and the deceased went along with them. As the informant suspected that something is happened between them, therefore, he immediately followed them and it revealed to him that the deceased is lying in the pool of blood and he came to know that present applicant, other co-accused Manish Bhakare and child in conflict with law have committed his

murder. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that two crimes are registered against the present applicant vide Crime No.166/2024 and 167/2024 i.e. the present crime. The difference between the timings of the two incidents are only of 15 to 20 minutes. In both the crimes, the applicant is shown as accused. It is highly impossible for the present applicant to remain present at two different places where two different incidents have taken place. The applicant is already released on bail in Crime No.166/2024. He submitted that even accepting the prosecution case as it is, only role attributed to the present applicant that he was seen fleeing away from the spot of incident. No active role is attributed to him. His involvement is also not there in the assault. None of the statements of the witnesses even the statement of the co-accused reveals that present applicant has played any role in assaulting the deceased. Now, investigation is already completed and charge-sheet is filed, further incarceration of the applicant is not required. In view that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that in furtherance of the common object of the present applicant and other co-accused for committing the murder of the deceased, the deceased died due to haemorrhage and shock due to the multiple stab injuries.

The present applicant has assisted the other co-accused from fleeing away from the spot of incident. Thus, considering the fact that he has contributed in the commission of the crime, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the investigation papers it reveals that the only allegation against the present applicant is that he assisted the other co-accused to flee away from the spot of incident. Even the statement of the co-accused nowhere discloses any role attributed to the present applicant that he was participated in the actual assault. Thus, considering the limited role attributed to the present applicant and considering now the investigation is also completed and charge-sheet is filed, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Rushikesh Deepak Apotikar in connection with Crime No.167/2024 registered with Police Station Ramdaspath, Akola, District Akola for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month, till culmination of the trial and the Police Officer shall record his presence and the applicant shall cooperate with the investigating agency.

(iv) The applicant shall not leave the jurisdiction of Akola district without prior permission of the District Court, Akola.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(vi) The applicant shall attend the proceedings before the Sessions Court on each and every date without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)