



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

CRIMINAL APPLICATION (BA) NO.838/2025

Ashish Bhanuprakash Kadam

..VS..

State of Maharashtra, thr.PSO PS Pusad (City), District Yavatmal

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri R.L.Khapre, Senior Counsel assisted by Shri Shahrukh Sheikh,
Advocate for the Applicant.

Shri D.V.Chauhan, Public Prosecutor (Senior Counsel) assisted by Shri
Amit Madiwale, Additional Public Prosecutor for the State.

Shri A.S.Mardikar, Senior Counsel assisted by Shri S.V.Sirpurkar and Shri
Shyam Jaiswal, Advocates for the Complainant.

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 13/08/2025

PRONOUNCED ON : 19/08/2025

1. By this application under Section 483 of the
BNSS, the applicant seeks regular bail in connection with
Crime No.299/2025 registered with the
non-applicant/police station for offences under Sections
109(1), 118(1), 296, 3(5) of the BNS

1. The applicant came to be arrested on
22.5.2025 and since then he is in jail.

2. The crime is registered on the basis of a report lodged by Aditya Madhavrao Mane, who is Lawyer by profession, on an allegation that he appeared as an Advocate in a matter against the applicant and, therefore, the applicant has grievance against him. On 19.5.2025, at around 9:30 pm to 9:45 pm, he was proceeding for a walk along with his pet. At the relevant time, the applicant's car was parked near MPN Convent, Pusad and he was along with co-accused holding a Can of Beer in his hand. Advocate Shivaji Kharate and Shivraj Patil were also talking with the applicant. As the complainant was acquainted with them, they called the complainant and on that the applicant abused the complainant. Thereafter, the applicant sat in the car and asked the driver of the car to run over the car on the complainant. Accordingly, driver of the said car ran the car over the complainant. The complainant dashed against the bonnet of the car and, thereafter, the complainant tried to run away. However, the complainant was followed by driver of the

car. Therefore, the complainant ran towards backside of the said convent school. The complainant was followed by the car and as there was a drain, the accused could not drive the car over the complainant and, thereafter, the applicant and co-accused got down and the applicant gave a blow of iron rod on his head due to which he sustained grievous injuries. Advocate Shviaji Kharate removed him to a hospital. On the basis of the said report, the police registered the crime against the applicant.

3. Heard learned Senior Counsel Shri R.L.Khapre for the applicant, learned Public Prosecutor Shri D.V.Chauhan for the State, and learned Senior Counsel Shri A.S.Mardikar for the complainant.

4. Learned Senior Counsel for the applicant submitted that the applicant was not driving the car. It was co-accused who was driving the car. Injuries sustained by the complainant are not grievous in nature which would be sufficient to cause death of the complainant. Merely

because the car belongs to the applicant, he was implicated in the alleged offence. The CCTV Footage clearly shows that the applicant was not driving said car, but it was the co-accused who is responsible for the act done. As far as further incarceration of the applicant in the jail is concerned, the same is not required.

5. Learned Senior Counsel for the applicant invited my attention to the order passed by learned Trial Judge and submitted that the applicant is from a respectable family. Whatever criminal antecedents are there, one case is filed by nurse of the hospital and other case is under Section 138 of the Negotiable Instruments Act. He submitted that considering the fact that the investigation practically is completed, the applicant be released on bail.

6. *Per contra*, learned Public Prosecutor for the State strongly opposed the application and submitted that the incident is admitted by the applicant. There is no statement on behalf of applicant as to though his driver was

driving his car and trying to run the car over the complainant, he attempted to save him. He invited my attention to past conduct of applicant and earlier bail order passed by learned Sessions Judge at Pusad. He submitted that in previous bail application, in connection with Crime No.798/2022, the applicant was released on anticipatory bail merely on the representation that the applicant is Medical Practitioner by profession. Thus, it shows that the applicant was representing himself as he is in medical profession. In the present application, title clause only shows his name, but in subsequent affidavit he represented himself as a medical practitioner. He further invited my attention to order passed by learned Sessions Judge, wherein learned Sessions Judge specifically observed that the applicant though is not doctor, he falsely represented himself that he is doctor and he holds degree of MBBS. Learned Public Prosecutor submitted that aspect needs to be considered is culpable state of mind of the applicant. The applicant attacked the complainant merely because he is

representing his opposite party before the court of law. The conduct and mind set of the applicant is to be looked into. It is threat to the entire fraternity. The statements of witnesses disclose manner in which the complainant was attacked by the applicant. On watching CCTV Footage, the conduct of the accused reveals and there was no intention but to kill the complainant. Thus, considering the entire scenario, in which the alleged incident has taken place, the application deserves to be rejected.

7. Learned Senior Counsel for the complainant submitted that the applicant has tried to throw the entire allegations on the driver. In fact, the driver has no animosity against the complainant. The intention and motive to commit the murder is only because the complainant was representing as Lawyer to the opposite litigant of the applicant. Such type of attacks, only because the Lawyer is representing the opposite party, require to be handled with stern hand. He reiterated that the statements

of the witnesses and the CCTV Footage disclose that there was no other intention than to commit the murder of the complainant. Fortunately, he survived. Learned Senior Counsel, therefore, prays for rejection of the application.

8. On hearing both the sides and perusing investigating papers, and it reveals that the complainant is lawyer by profession and practising in Sessions Court at Pusad. Recital of the FIR reveals that the complainant was representing Dr.Ravindra Wadate against the applicant. He is also representing various clients who have lodged complaints against the applicant and, therefore, the applicant was having grievance against him. On the day of the incident, when he was proceeding for walk along with his pet, there was exchange of words between him and the the applicant in presence of Advocate Shivaji Kharate and one Shivraj Patil. An unknown person was also along with them. The applicant abused him by saying why he has filed Vakalatnama in cases against him and, thereafter, sat in the

car and the car was driven on his person. As there was threat of death, he ran towards backside of MPN Convent. He was followed by the applicant and the said the unknown person. As the car could not dash the applicant, the applicant took out an iron rod from the car and gave a blow on his head due to which he sustained grievous injuries.

9. During the investigation, the investigating officer has recorded statements of relevant witnesses especially statements of Shivraj Patil and Advocate Shri Shivaji Kharate, who are eyewitnesses. This fact is also substantiated by CCTV Footage collected by the investigating officer during the investigation. The CCTV Footage collected and panchanama drawn show that at about 21.41.45 one black colour car came near the school from which the applicant and the co-accused got down and were communicating with Advocate Shivaji Kharate and one other person. At about 21:46:29, the complainant was seen coming along with his pet who was proceeding for

walk in front of convent school towards court. At about 21:48:46, he was seen returning from side of the court and the applicant approached to him and at the relevant time the co-accused started car and drove on the person of the complainant. Advocate Shivaji Kharate attempted to catch the applicant, but the applicant was aggressive and the complainant ran towards back side of the school. Behind the car, said Shri Kharate and the accused proceeded.

10. The CCTV Footage further shows that at 21:48:56 the complainant ran towards back side of the convent school and the car proceeded towards him, however the car could not touch him as there was a drain. Thus, the CCTV Footage clearly shows that after exchange of words between the applicant and complainant, the car was ran over on the person of the complainant, but to save himself, the complainant ran towards the back side of the convent school whereat also he was followed. On the basis of the statement of the applicant, the iron rod was seized.

The medical certificate shows that the complainant has sustained grievous injuries namely incised wound over parietal region of head, laceration over right elbow and right leg. He was referred to the higher centre wherein he was treated.

11. The criminal antecedents of the similar nature are against the applicant. The specific observations of learned Sessions Judge are that though the applicant is not doctor, he represented himself as a medical practitioner, which shows his conduct. The intention and the motive require to be taken into consideration as merely because the complainant was defending the party against the applicant, the applicant has made an attempt to eliminate the complainant.

12. Considering the nature of the incident, there is substance in the contention of learned Public Prosecutor for the State that it is a threat to the entire fraternity. Admittedly, the investigation is still in progress.

13. Considering the criminal antecedents; manner of the incident, and involvement of the applicant in the crime, no case is made out for grant of bail. As such, the application deserves to be rejected. Accordingly, the Criminal Application is **rejected and disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!