

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3684 OF 2025

Om Rahul Nikam

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Adv. Priyal Sarda a/w Mr. Onkar Bajaj, for Applicant.

Mr. C. D. Mali , APP for Respondent- State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 4th MARCH, 2026.

P.C:

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 30.05.2025 bearing Crime No. 500 of 2025 registered with Satara City Police Station, Satara for the offences punishable under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4(25) of the Arms Act.

2. In short the prosecution case is that, the informant Miss. Dipali is the sister of deceased Akshay Mane. On 30.05.2025 she lodged the report alleging that, on 29.05.2025 at about 11:00 pm one Mr. Lala Shedage called her mother and informed that, the deceased Akshay was lying injured on the spot. Thereafter, the deceased was taken to civil

hospital as such informant along with family members rushed to the hospital and noted the dead body of her brother. Visible external injuries were noted. On noticing the same, she confirmed that, on 29.05.2025 in the noon at 3:00 till 11:00 pm, the accused Dhananjay Yadav, Prathamesh @ Padya Chavan, Yogesh Khavale, Rohan Jadhav along with their one unknown friend, resident of Kodoli have assaulted the deceased on account of previous dispute. Therefore, the report.

3. Learned counsel for the applicant submits that initial FIR was registered wherein the name of the present applicant was not indicated nor any role was assigned to him. However, it is in the statement of one of the witnesses namely Abhijeet Ashok Bhise recorded under Section 161 of Cr.P.C., wherein the role of the applicant is assigned. However, the statement recorded before the Learned Magistrate, the role assigned to the applicant is general and sweeping. Investigation is completed. There is delay in recording the statement. There is no recovery at the instance of the present applicant. Learned counsel for the applicant submits that all other accused are enlarged on bail. In that view of the matter, the applicant deserves to be entitled for bail even on the ground of parity.

4. Per contra, learned APP has opposed the application submitting that a specific role attributed and assigned to the present applicant. In that view of the matter, and considering the severity of the offence, the

application does not deserve consideration. Hence, prayed to reject the application.

5. Considering rival submissions and perusal of the material on record including Charge-sheet, perusal of the statement recorded before learned Magistrate under Section 183 of the BNS, the role assigned to the present applicant is general and sweeping. No specific role is assigned. Even on the ground of parity, the application warrants consideration.

6. Apart from the aforesaid aspects, investigation is complete for all intent and purpose. Considering the number of witnesses prosecution has cited, the completion of trial is likely to take considerable period. In that view of the matter, further incarceration of the applicant would be unjustified. Resultantly, application is allowed on certain conditions.

7. Hence, the following order :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Om Rahul Nikam be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 500 of 2025 registered with Satara City Police Station, Satara for the offences punishable under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4(25) of the Arms Act., on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
- (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed address and phone number of applicant and two of the near relatives.

8. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]