Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3725 OF 2026

Amit Hiraman Jadhav .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Aniket Vagal a/w Ms. Savvy Kolhekar & Ms. Juhi Kadu, Advocates for Applicant
- Ms. Shilpa G. Talhar, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026

P. C.:

1. Heard Mr. Vagal, learned Advocate for Applicant and Ms. Talhar, learned APP for State.

2. This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Bail in connection with C.R. No. I-130 of 2025 registered with Satpur Police Station, Nashik for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**").

3. The case of the prosecution *qua* the Applicant is based on CCTV footage, seizure panchnama and an eyewitness account which *prima facie* records that he had seen two persons assaulting the victim in the middle of the night. No test identification parade (TIP) for

identification of the persons who were seen by the witness has been carried out.

4. The case of the prosecution undoubtedly is based on the CCTV footage which *prima facie* shows two persons assaulting the victim but whether the two persons are the two accused persons is not proven. One of the accused who has been enlarged on bail by order dated 29.08.2026 is found to be standing at a far away distance near the rickshaw. Hence the version given by the eyewitness account is doubtful that he had seen two persons assaulting the victim.

5. Though the learned APP would vehemently argue that the weapons used in the crime namely the knife and the stones have been recovered, that does not take the prosecution case any further since the prosecution will have to establish at the threshold the presence of Applicant near the scene of crime. One of the accused was seen in the CCTV footage holding a cricket bat but he is also yet to be identified.

6. Insofar as the prosecution theory with regard to stone being used to inflict the blow on the head of the victim is concerned, whether the said stone weighing 9.7 kgs. in weight was used either by the Applicant or the co-accused person is not clear. Hence in that view of the matter, on the grounds of parity and in view of the order dated 29.08.2026 granting bail, the role of the Applicant not being any

different, I am inclined to consider the case of the Applicant for grant of bail. Hence, the Applicant is released on bail on the following terms and conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with C.R. No. I-130 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at Satpur Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed

of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

7. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

8. Bail Application is allowed and disposed of in the above terms.

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

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