

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4895 OF 2025

Nikesh Gangaram Jadhav

...Applicant

Versus

State of Maharashtra

...Respondents

Mr. Arun Rajput, with Viral Mukte, for the Applicant.

Mr. S. S. Ghag, APP for the Respondent-State.

Mr. Prakash Sonawane, PSI attached to Powai Police Station,
Mumbai, present.

CORAM: R. M. JOSHI, J.

DATED: 27th MARCH, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No.555 of 2020 registered with Powai Police Station, Mumbai for the offences punishable under Sections 302, 342, 326, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

2. As per the story of the prosecution, an incident occurred on 20th October 2020 when some trivial issue occurred between the deceased and one unknown person. It is claimed that the deceased was slapped by the said unknown person and he responded to him in a similar manner. It is thereafter other 3 unknown persons came to the spot and they caused assault on him with wooden sticks, belt and pipe. As a result of the said assault, he sustained injuries. He was admitted in the hospital and succumbed thereto on 20th

October 2020. On the death of the Informant, the offence under Section 302 of the IPC came to be made applicable to the present case. During the course of investigation, from the present Applicant, recovery of grass-cutter as well as mobile phone of the deceased came to be done under Section 27 of the Indian Evidence Act, 1872. On conclusion of investigation, charge-sheet is filed. Since 2nd November 2020, the Applicant is in jail.

3. Learned counsel for the Applicant submits that Co-accused are already enlarged on bail. He seeks bail on merits as well as on the ground of long incarceration. It is his submission that in the First Information Report lodged by the deceased, there is no reference of any grass-cutter being used in order to cause assault on him. Similarly the place of incident, is said to be on road. He drew attention of the Court to the statement of eye witness-Bhagabai, who claims that the incident of assault has taken place inside the room and the deceased was tied to a grill before he was assaulted. It is argued that having regard to the nature of evidence, and considering the period for which the Applicant is in jail, this is a fit case for grant of bail.

4. The learned APP opposes the Application by citing seriousness of the crime. He submits that there is statement of the brother of the deceased indicating involvement of the Applicant in the crime and that the Applicant assaulted the deceased with grass-cutter. It is his further submission that grass-cutter as well as the mobile phone of the deceased are seized at the instance of the Applicant and which connects him with the crime in question.

5. At the outset, it needs to be recorded that it is not even the case of the prosecution that the Applicant and the Co-accused had any motive to kill the deceased. Undeniably, the incident in question has occurred on a trivial issue. In this back-drop, there is apparent inconsistency in the statement of the deceased while recording the First Information Report and the statement of the eye witness to the incident. The deceased does not claim use of any grass-cutter, whereas the eye witness attributes the use of the same to the present Applicant. Similarly, the place of incident also materially differs in the statements of the deceased and the eye witness.

6. In the light of these facts, there is a recovery of the grass-cutter at the instance of the Applicant. *Prima facie*, a perusal of the panchanama of recovery of the grass-cutter does not indicate that it was stained with blood. Even if the recovery of the mobile phone of the deceased is accepted, at the most, some other offence, but not an offence under Section 302 of the IPC, could be made applicable against him.

7. In the afore-stated facts, when the Co-accused are already enlarged on bail and there is no possibility of trial being concluded in a reasonable period of time, this is a fit case for grant of bail. The Applicant has no criminal history and he is not likely to flee from justice. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed in connection with Crime No.555 of 2020 registered with Powai Police Station, Mumbai;

(ii) The Applicant be released on bail on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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