

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1323 OF 2026

Yash Vinod Nikalje

....Applicant

versus

The State of Maharashtra

....Respondent

Mr. Vivek Arote along with Mr. Akshay Dingale, Advocate for the Applicant

Ms. Kranti Hiwrale, APP for Respondent No.1-State.

Mr. Chinmay Godse, Advocate for Respondent No.2.

API-S.A. Patil, Bharti Vidyapeeth Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 415 of 2025 registered with Bharati Vidyapeeth Police Station, District Pune, for the offences punishable under Sections 103(1), 109 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4 read with 25 of the Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act, 1951.

2. It is prosecution's case that on 17th September 2025, the applicant and co-accused assaulted the first informant with sharp weapons on the ground of an old dispute. After the assault, the first informant was admitted in the hospital, and after some days, he died due to the said

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assault, hence, Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 has been added.

3. It is contention of learned counsel for the applicant that the applicant is the nephew of the deceased. The deceased had not stated anything about the applicant in the first FIR. The applicant has been arrested on the statement of the co-accused and an extrajudicial confession. The applicant is behind bars for more than six months. The applicant has no antecedents. There is no recovery at the instance of the applicant. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant along with the co-accused assaulted the deceased with a sharp weapon and murdered him. The applicant made an extrajudicial confession to his father. This shows his involvement in the crime. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses, hence, requested to reject the application.

5. I have heard both learned counsel, perused charge-sheet and documents produced on record. Though the applicant is the nephew of the deceased and he knew him, the name of the applicant is not mentioned in the FIR. The applicant has been arrested on the basis of an extrajudicial statement and the statement of the co-accused. To prove it, trial is required. The applicant is behind bars for more than six months. The

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applicant has no antecedents. It may take time to conclude the trial.

Considering these facts, I pass the following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 415 of 2025 registered with Bharati Vidyapeeth Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)