

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 584 OF 2026

Uddhav @ Baba Baburao Nimse

....Applicant

Versus

The State of Maharashtra and anr.

....Respondents

with

INTERIM APPLICATION NO. 959 OF 2026

IN

BAIL APPLICATION NO.584 OF 2026

Akash Raju Dhotre

...Intervenor

In the matter of

Uddhav @ Baba Baburao Nimse

....Applicant

Versus

The State of Maharashtra and anr.

....Respondents

Mr. Ashok Mundargi, Senior Advocate along with Mr. Niranjana Mundargi
i/b. Ms. Anusha Pradhan Jaibhave, Advocate for Applicant.

Mr. Prashant P. Jadhav, APP for Respondent-State.

Mr. Raviraj Paramane, Advocate for Intervenor in IA-959-2026.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 266 of 2025 registered with Adgaon Police Station, District Nashik, for the offences punishable under Sections 103(1), 109, 189(2), 189(4), 190, 191, 192, 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, Section 135 of the Maharashtra Police Act and Section 4 read with Section 25 of the Indian Arms Act.

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2. It is prosecution's case that on 22nd August 2025, around 6.00 pm, the co-accused murdered the brother of the first informant by assaulting him on the ground of a dispute. It is alleged that the applicant was present at the spot of the incident and that he instigated the accused to commit the murder of the deceased.

3. It is contention of learned senior counsel for the applicant that the entire incident is captured in CCTV footage, and the CCTV footage, does not show that the applicant instigated the accused. The police visited the incident spot and their statements are recorded, and in the statements, the police officers have stated that while they were speaking with the applicant, they heard shouts of "kill, kill," and when the police officers rushed to the incident spot, they saw that the co-accused had assaulted the deceased and the deceased was lying on the ground. The police arrested some co-accused on the spot. When the deceased was assaulted in one lane, the applicant was not present there. The applicant is behind bars for more than six months, he has no antecedents. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for the intervenor that the entire incident occurred due to instigation by the applicant. The applicant was present at the incident spot with a mob of 40 to 50 people. He instigated the co-accused to kill the deceased. The

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applicant is ex-corporator. In the CCTV footage, it is seen that the applicant was telling something to the people gathered at the incident spot. If the applicant is released on bail, he may threaten the prosecution witnesses, and requested to reject the application.

5. I have heard all learned counsel, perused charge-sheet and documents produced on record. The allegations against the applicant are of instigation. The statements of the police officers who were present at the incident spot are recorded. In the said statements, they have stated that the applicant was present at the spot with 40 to 50 people and when they were speaking with the applicant, they heard shouts “kill, kill,” and they rushed towards one lane, and in that lane, they found the deceased lying on the ground, and three to four co-accused were running away. The transcript of CCTV footage also confirms the said fact. It shows that the deceased was murdered in a lane where the applicant was not present. To prove the role of the applicant in the crime, evidence is required. The applicant is behind bars for more than six months. The applicant has no antecedents. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 266 of 2025 registered with Adgaon Police Station, District Nashik, on

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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. Interim Application No.959 of 2026 will not survive for consideration and the same is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)