

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.158 OF 2026

Vikki s/o Arun Sarkate

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.M. Khan, Advocate for the applicant .
Shri A.G. Mate, APP for the non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.79 of 2025 registered with the Kholapuri Gate Police station, District Amravati for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, on the ground of false implication.

3. The FIR was lodged by PSI of Kholapuri police Station alleging that he has received a letter stating that on 19.05.2025 at about 08.00 p.m. two persons namely Nilesh Sawarkar and Sagar Adyake along with their three friends had killed one person namely Om by crushing his head with stone. Pursuant to this letter, when the police visited the spot Sagar informed about the said incident and stated about the involvement of present applicant Vikki Sarkate, Nilesh Sawarkar and other two person in the alleged crime.

4. Learned Counsel for the applicant submits that the FIR came to be registered on the basis of information

given by co-accused i.e. Nilesh and Sagar. It is submitted that the applicant has been falsely implicated in the crime as the applicant had left the company of Sagar and Nilesh at about 2.18 p.m., which could be gathered from the CCTV footage, even the location of the mobile phone of the present applicant was not shown at the place where the dead body of the deceased was lying. The said map is the part and parcel of the charge-sheet. Thereafter what happened with the deceased Om, he is not aware about the same and therefore, there is no material against the present applicant to connect him with the alleged crime, hence, the applicant deserves to be enlarged on bail.

5. *Per contra*, learned APP vehemently opposes the application stating that the disclosure statement made by Nilesh and Sagar before the Police Station itself is sufficient to reject the bail application of the applicant, He submitted that as the said statement was made by Nilesh and Sagar at the time when they surrendered before the police therefore, the statement was made when they were not in custody of the police and therefore the same is admissible. CCTV footage shows that at about 2:18:37 p.m. the applicant has left the company of Nilesh, Sagar and deceased Om, that by itself is not sufficient. Learned APP invited my attention to the CCTV footage wherein it can be seen that the applicant picked up the stone lying on the road to inflict the blow on the head of the deceased. The Postmortem report also shows that there is laceration over head and face anterior aspect of size 15*20*10 cm, involving frontal aspect of head and face compressed and distorted the shape and

fracture of frontal skull bone present. There are also two criminal antecedents against the present applicant and as the applicant being a criminal minded person, he does not deserve the bail.

6. I have considered the rival submission and perused the record. It is an admitted fact that the case is totally based on the circumstantial evidence. On the basis of information received, the police have registered the offence, in which the name of the present applicant has also been arraigned. From the material placed before me i.e. panchanama and CCTV footage, it appears that at about 2:18:37 p.m., Nilesh and Sagar has taken deceased OM on scooty however the present applicant has left the company of both of them and therefore, it is very difficult to connect the applicant with the alleged crime. There is no connecting material in order to show the involvement of the applicant in the alleged crime. Also the location of the applicant at the time of incident was also shown at different place, to which the learned APP also conceded. Considering the fact that the investigation is complete and charge-sheet is filed and the applicant is in jail since 20.05.2025, I am inclined to enlarge the applicant on bail. Hence, the following order :

- (a) The application is allowed.
- (b) The applicant Vikki s/o Arun Sarkate in connection with Crime No.79 of 2025 registered with Kholapuri Gate Police Station, Amravati District be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.

- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

Trupti