



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 1300 OF 2025.

Ashish Bhanuprasad Kadam.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri F.T. Mirza, Senior Advocate a/b Shri S.A. Puranik, Advocate
for the Applicant.
Ms S. Haider, A.P.P. for the Non-applicant/State.
Shri A.M. Mane, Informant-inperson, assisting prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 29, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.299/2025 registered with Pusad City Police Station, District Yavatmal for the offence punishable under Sections 109[1], 118[1], 296 and 3[5] of the Bhartiya Nyaya Sanhita (BNS), 2023.

3. The informant Aditya Mane has lodged the report alleging that on 19.05.2025 at around 9.30 to 9.45 p.m. when he had taken his dog for a walk, and while he was on road in

front of MPN Convent, Pusad, he saw that a black colour car owned by the applicant was standing. The applicant along with his friends were standing there, drinking beer. Since some friends of applicant were known to the informant, on their call he waited there, at that time the applicant abused him in filthy language, when the informant resisted, the applicant called upon one of his friend to crush the informant under the car. On this, the unknown person drove the vehicle on the informant, he jumped over the bonnet and when the driver applied breaks, the informant in order to save himself ran on the road, on which the applicant took out iron rod from the car and assaulted the informant on his head. The informant therefore lodged the complaint with the police.

4. The learned Senior Counsel appearing on behalf of the applicant submits that the initial story of the prosecution is different, than what is stated in the charge sheet. He further submits that the first information report was registered at the instance of the informant himself, alleging that there was initially a scuffle between him and the applicant, and thereafter, he has asked the driver to run over car on him,

accordingly the driver has run over the car, however, the informant went on the bonnet due to which he could save himself. It is further alleged that even thereafter the car was proceeding towards him, however, he some how escaped. It is further submitted that so far as first information report is concerned, initially it appears that the applicant has given blow with the help of iron rod on the occipital region, however, the injury certificate does not match with it. Even the statement of two eye witnesses does not inspire confidence, for the reason that even these witnesses have stated about inflicting blow with iron rod by the present applicant on occipital region, however, the injury shown in the injury certificate is on parietal region, which is grievous in nature. He therefore, submits that there is material variance in the actual incident and in CCTV footage which has covered the incident. He has invited my attention to the orders passed by this Court, wherein earlier application of the applicant for grant of bail, before filing of the charge sheet, came to be rejected, and therefore, he submits that after filing of the charge sheet, the applicant has applied before the Sessions Court, however, his application came to be rejected. It

is only after going through the papers annexed with the charge sheet, it transpired that the story narrated at initial stage, does not match with the charge sheet, and therefore, the applicant be released on bail.

5. On the other hand the learned A.P.P. and the informant/victim vehemently opposes the application by inviting my attention to the orders passed by this Court in **Criminal Application (BA) No.838/2025 dated 19.08.2025**, whereby the bail application filed by the present applicant came to be rejected. They submit that there is no change in the circumstances, as the material which was relied upon by this Court while rejecting the earlier application, is the same and there is no change. They submit that consistently it is the stand of the prosecution that initially there was a scuffle and at the instance of the applicant, car was run over on the informant, and lateron the applicant sat in the car and again it was run over, however, the informant some how rescued himself from the clutches of the applicant. Lateron the applicant has taken out iron rod from his car and inflicted blows on the back side of the body, and grievous injuries were

sustained by the informant. They further submit that as there is no change in the circumstance, and this Court after considering the entire material has rejected the application on merits, therefore, the present application is not maintainable. Lastly it is submitted that considering the nature of allegations spelt out in the first information report, as well as considering the statements of the eye witnesses, CCTV footage, if cumulative effect is given to the entire facts, then it is crystal clear that the applicant has actively participated in the crime, therefore, he does not deserves bail. The learned A.P.P. submits that, there are criminal antecedents, two offence are registered under Sections 324 and 294 along with the provisions of Atrocities Act.

6. I have heard the rival submissions. Admittedly, this Court by a detail order has rejected the earlier bail application of the applicant. This Court has in paragaraph nos.8 to 10 specifically observed as under :

“8. On hearing both the sides and perusing investigating papers, and it reveals that the complainant is lawyer by profession and practising in Sessions Court at Pusad. Recital of the FIR reveals that the

complainant was representing Dr.Ravindra Wadate against the applicant. He is also representing various clients who have lodged complaints against the applicant and, therefore, the applicant was having grievance against him. On the day of the incident, when he was proceeding for walk along with his pet, there was exchange of words between him and the the applicant in presence of Advocate Shivaji Kharate and one Shivraj Patil. An unknown person was also along with them. The applicant abused him by saying why he has filed Vakalatnama in cases against him and, thereafter, sat in the car and the car was driven on his person. As there was threat of death, he ran towards backside of MPN Convent. He was followed by the applicant and the said the unknown person. As the car could not dash the applicant, the applicant took out an iron rod from the car and gave a blow on his head due to which he sustained grievous injuries.

9. *During the investigation, the investigating officer has recorded statements of relevant witnesses especially statements of Shivraj Patil and Advocate Shri Shivaji Kharate, who are eyewitnesses. This fact is also substantiated by CCTV Footage collected by the investigating officer during the investigation. The CCTV Footage collected and panchanama drawn show that at about 21.41.45 one black colour car came near the school from which the applicant and the co-accused got down and were communicating*

with Advocate Shivaji Kharate and one other person. At about 21:46:29, the complainant was seen coming along with his pet who was proceeding for walk in front of convent school towards court. At about 21.48:46, he was seen returning from side of the court and the applicant approached to him and at the relevant time the co-accused started car and drove on the person of the complainant. Advocate Shivaji Kharate attempted to catch the applicant, but the applicant was aggressive and the complainant ran towards back side of the school. Behind the car, said Shri Kharate and the accused proceeded.

10. *The CCTV Footage further shows that at 21:48:56 the complainant ran towards back side of the convent school and the car proceeded towards him, however the car could not touch him as there was a drain. Thus, the CCTV Footage clearly shows that after exchange of words between the applicant and complainant, the car was ran over on the person of the complainant, but to save himself, the complainant ran towards the back side of the convent school whereat also he was followed. On the basis of the statement of the applicant, the iron rod was seized.*

11. *The medical certificate shows that the complainant has sustained grievous injuries namely incised wound over parietal region of head, laceration over right elbow and right leg. He was referred to the higher centre wherein he was treated.”*

I have gone through the papers along with the charge sheet. As can be gathered from the first information report, that since beginning the applicant has actively participated in the entire episode. Initially he used filthy language, thereafter there was scuffle, and the car was made to run over on the informant, later on injuries were caused with the help of iron rod by the applicant. The said allegations are not only supported by the CCTV footage, but, it has been dealt with by this Court in earlier order. Not only this, there are eye witnesses to the incident, who were present at the spot at the relevant time. The story put forth by the informant is corroborated by three eye witnesses.

7. No doubt charge sheet is filed, however, that by itself is not sufficient to grant bail, if gravity is seen.

8. The learned Senior Counsel appearing for the applicant submits that the CCTV footage which is part and parcel of the charge sheet has not been supplied to him. This was controverted by the learned A.P.P. by stating that when the earlier application of the applicant was heard, the relevant data

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was provided. However, without going into said controversy, it is necessary to mention that, in every criminal trial it is a right of the accused to have entire material on which the prosecution is placing reliance for the purpose of trial. In any case if the CCTV footage is not supplied, the same be supplied to the applicant.

9. In view of above, I am not inclined to entertain the prayer of the applicant for grant of bail, in my opinion, no case is made out for grant of bail. Criminal Application is therefore, rejected.

JUDGE

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