

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-4, NASHIK

ORDER BELOW EXH. 1 IN
CRIMINAL BAIL APPLICATION NO. 1022 OF 2026
(kUNAL Ashok Nikam Vs. State, Through Panchavati P.S.)
(CNR NO. MHNS010030712026)

Appearance :-

Ld. Advocate Mr. Y.R. Wagh for the applicant/accused

Ld. APP Smt. S.S. Sangale for the State.

(Dated 02-07-2026)

1. This is a successive bail application for grant of pre-arrest bail in connection with C.R. No.444/2025 registered with Panchavati Police Station, Nashik for the offences punishable under Sections 109, 55, 61(2) of Bhartiya Nyaya Sanhita, 2023, Section 3(25) of Arms Act and Section 135 of Maharashtra Police Act.

2. According to the prosecution, on 17.09.2025 at about 01.05 a.m. Vicky Uttam Jadhav fired gun shots towards Sagar Jadhav with intention to commit his murder. The prosecution case is based on the alleged conspiracy hatched on 10.09.2025 by Shekhar Rahul Nikam at Hotel Prestige Lodge, Room No.106 along with other accused to eliminate Sagar Jadhav who was the member of rival group. The injured Sagar Jadhav in his statement dated 24.09.2025 mentioned that, on 18.05.2017 Kiran Rahul Nikam has been killed near Govind Mama Square, Nashik. He was the accused in that matter. However, in the year 2023 he has been acquitted of that crime. Therefore, Shekhar Nikam had grudge against Sagar Jadhav. He threatened Sagar Jadhav that he will take revenge of his brother's murder. The said Shekhar Nikam

hatched conspiracy with his supporters and accordingly to execute the plan, Vicky Wagh and his associates made attempt to kill Sagar Jadhav.

3. It is the contention of the applicant/accused that he is innocent and falsely implicated in this case. The applicant was not present at the time of alleged incident. He never met the accused Shekhar Nikam or had conversation with him regarding the alleged offence. This Court has granted bail to co-accused namely, Sandeep Pagare. The case of the present applicant/accused stands on the similar footing. Therefore, the applicant/accused is entitled to be released on anticipatory bail on the ground of parity.

4. Prosecution has not filed reply to the bail application. Hence, no say order was passed on 10.06.2026.

5. Heard, learned Advocate Mr.Wagh for the applicant, learned APP Smt. Sangale for the State. The learned advocate for applicant has submitted that, there is no direct evidence against the present applicant. The investigating officer has submitted the charge-sheet in the matter. So, custodial interrogation of the applicant is not warranted.

6. Ld. Prosecutor has submitted that, the present applicant/accused was present at Hotel Prestige Lodge when the conspiracy was hatched by Shekhar Nikam and his associates. The role attributed to the accused Sandeep Pagare who has been granted pre-arrest bail is not similar that to the present applicant. Therefore, ground of parity is not applicable to the case of applicant/accused.

7. Having heard both the sides and considering the accusation

made against the present applicant, I have perused the statements of witnesses and the script of the CCTV footage collected by investigating officer. The seizure and script panchanama dated 24.09.2025 revealed presence of present applicant/accused Rahul Nikam along with accused Akash Nikam, Aniket Gangurde, Deepak Adsul in the counter room of Hotel Prestige. This piece of evidence prima face indicates the presence of applicant/accused Kunal Nikam when the alleged conspiracy hatched by Shekhar Nikam and others. The Hon'ble High Court in Cri. Bail Application No.310/2026 (25 Feb. 2026) granted regular bail to one of the accused Jagdish Patil. The consideration for deciding the regular bail application and anticipatory bail application are different. The prosecution case is mainly based on the alleged conspiracy hatched by the accused with Shekhar Nikam. To reveal the role of accused Kunal Nikam and considering the seriousness of offence, in my humble judgement the custodial interrogation of the applicant is warranted. My Predecessor has rejected earlier bail application on merit. The script panchanama filed along with the charge-sheet prima face indicates involvement of applicant in hatching conspiracy, so the presence of applicant for taking the case of prosecution to its logical end, the thorough interrogation of the present applicant is necessary. The role attributed to the accused Sandeep Pagare is not similar to the present applicant. Therefore, the applicant is not entitled to claim parity. The applicant could not demonstrate what material / prima facie evidence was not considered by this Court while rejecting the previous bail application or new grounds to consider this successive application. Mere filing of charge-sheet cannot be taken as a change in circumstance to consider successive application, no doubt the successive application for grant of pre-arrest bail is tenable. However, the conditions required to satisfy the claim of successive application required to establish. In this

application the Ld. Advocate for the applicant could not able to show such new grounds for granting pre-arrest bail. Hence, application fails.

Order :

ORDER

Anticipatory Bail Application is hereby rejected.

(Nandkishor L. More)
Additional Sessions Judge-4,
Nashik.

Dt. 02.07.2026