

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1444 OF 2026

Vishal Nitin Shinde	Applicant
V/s.	
The State of Maharashtra	Respondent

Mr. Rajendra Shirodkar, Sr. Advocate a/w. Mr. Archit Sakhalkar
for the applicant.
Mr. Vinod Chate, APP for the Respondent – State.
Ms. Pooja Londhe, WPSI, V.P. Road Police Station, Girgaon,
Mumbai-4, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 16th SEPTEMBER, 2026

1. Heard learned Counsel for the parties. Perused the record. Mr. Chate, the learned APP tendered the final opinion as to the cause of death of the deceased. It is taken on record and marked as 'X'.

2. The applicant seeks his release on bail in Cr.No.541/2024 registered with V.P. Road Police Station, Mumbai for the offences punishable under Sections Sections 103(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 ("BNS") on the Report dated 24.10.2024 filed by Mr. Subhash Hogle.

3. The prosecution case is that witnesses Lochan Thapa, Shakil, Nazi @ Kallu, Ramesh Abuji and Jameel @ Yunus Ansari (deceased) used to play cards near Sai Co-operative Society, 7 Girgaon. On 21.10.2024, at about 11:30 p.m. to 12:00 midnight, said witnesses were playing cards at the same place. The deceased was seated there seeing them playing cards. One Santosh Kumar(A3)-watchman of the Society came there and, instructed

the witnesses and the deceased to go away. However, they did not go. After sometime, said Santosh Singh alongwith the applicant/A1 and co-accused Mayank Jethwa(A2) came there. Santosh Singh assaulted the witnesses by means of a bamboo stick. The applicant and co-accused Mayank assaulted them by hand. Ramesh Thapa sustained injury due to the said assault. It is alleged that Santosh Singh and the applicant also assaulted the deceased by means of a bamboo stick. On 22.10.2024, at about 3:00 p.m., the deceased was found lying at 10, Khetwadi. Witness Ramesh Thapa went to him and offered tea-biscuit, but, he did not eat. At about 6 p.m., the deceased was removed to J.J. Hospital by the informant and police, where, he died at about 8.30 p.m. Therefore, the aforesaid crime came to be registered and the accused persons including the applicant were arrested. The trial Court refused to release the applicant on bail. Hence, this application.

4. Mr. Shirodkar, the learned Senior Counsel for the applicant submitted that not a single injury sustained by the deceased was inflicted on vital part of the body. The applicant is not blamed for the injuries which led to the death of the deceased. After the incident, the deceased survived for almost 24 hours. In the facts, this is a case of culpable homicide not amounting to murder. The applicant is not likely to abscond and tamper with the prosecution evidence. The applicant has no criminal antecedents. Therefore, the applicant may be released on bail.

5. In reply, Mr. Chate, the learned APP submitted that the applicant along with his co-accused persons assaulted the deceased by means of a stick and caused him serious injuries which resulted into his death. No excuse is offered by the applicant

for the said assault. As such, this is a case of murder and hence, bail be refused.

6. I have considered these submissions. It is a matter of record that the incident occurred at about 11:30 p.m. to 12:00 midnight of 21.10.2024. However, it does not appear that it was a pre-planned assault on the deceased. Record indicates that, initially, the deceased was forcefully assaulted by Santosh Singh. As alleged, then the applicant took that bamboo stick from Santosh Singh and assaulted the deceased. However, it is not alleged that since beginning the applicant was carrying some weapon to assault. It is not alleged that, the blows given by the applicant were forceful. Therefore, it is a matter of trial as to whose blow caused serious injuries to the deceased which led to his death. The deceased survived for almost more than 20 hours. Record indicates that, meanwhile, the deceased moved from the place of the assault to another place at Khetwadi, which is four lanes away from the spot as stated by Mr. Shirodkar, the learned Senior Counsel. In view of these facts and circumstances, whether the applicant had the intention to cause the death, is also a question of trial.

The investigation is over. Further detention of the applicant in jail will not serve any purpose. The applicant has no criminal antecedents. He is not likely to abscond or tamper with the prosecution evidence. The applicant is in service. Mr. Shirodkar, the learned Senior Counsel submitted that the applicant's entire family is depending upon him. Therefore, I am inclined to allow this Application. Hence, Order :-

- (i) The applicant – Vishal Nitin Shinde be released on bail in Cr.No.541/2024 registered with V.P. Road Police

Station, Mumbai, on his executing a P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at V.P. Road Police Station, Mumbai on 1st day of a calender month between 11:00 a.m. to 2:00 p.m., every three months, till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding this Bail Application. The trial Court should not get influenced by any of the said observations and decide the said case on its own merit.

7. At this stage, as requested by Mr. Shirodkar, the learned Senior Counsel, the applicant is granted two weeks time to furnish the surety. Till then, the applicant be released on bail on his executing a P.R. Bond in the sum of Rs.50,000/- and depositing a

sum of Rs.50,000/- in lieu of furnishing the surety. On furnishing such surety/ies, the amount of Rs.50,000/- shall be returned.

8. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

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