

Ashish

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

BAIL APPLICATION NO.655 OF 2024

Arvind Chintaman Yadav	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Pravin Pillay a/w Mr. Prasad Jadhav, Mr. Nishith Seth for Applicant.

Mr. Prasanna P Malshe, APP for State.

Mr. Prakash Sonawane, PSI Pawai Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 555 of 2020 registered with Powai Police Station. The applicant is facing prosecution for offences punishable under Sections 302 (murder), 323 (voluntarily causing hurt), 326 (voluntarily causing grievous hurt by dangerous weapons or means), 342 (wrongful confinement), 504 (intentional insult), 506 (criminal intimidation), all read with Section 34 (common intention) of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the alleged incident occurred on 20th October, 2020, when three persons, including the present applicant, allegedly assaulted the deceased using a wooden rod, belt, and pipe. It is also alleged that the informant, who tried to intervene or was otherwise present during the incident, was similarly assaulted, causing him to suffer fractures in his right leg and left hand. The deceased was admitted to the hospital but succumbed to his injuries after eight days of medical treatment.

3. Learned Advocate Mr. Pillay, appearing for the applicant, submits that the specific role attributed to the applicant by one of the eyewitnesses is limited in nature. According to him, the eyewitness only states that the applicant was seen speaking to the owner of the office premises where the incident occurred. He further points out that in the First Information Report (FIR) lodged by the informant—who is himself an injured witness—the applicant's name does not appear. Mr. Pillay argues that the applicant has been falsely implicated and that there is no direct role ascribed to him in the FIR at the initial stage. He states that the applicant was arrested on 3rd November, 2020, and since then he is in judicial custody. It is also submitted that the applicant has no criminal antecedents and is a permanent resident of the local jurisdiction. Hence, he may not abscond or tamper with evidence, if released on bail.

4. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the grant of bail. It is submitted that during the course of investigation, a wooden rod alleged to have

been used in the assault has been recovered at the instance of the applicant. It is also the prosecution's case that the applicant took active part in the assault and specifically hit the deceased with the said wooden rod, thereby contributing directly to the fatal injuries that led to his death. Learned APP contends that the offence alleged is grave and heinous in nature, involving loss of human life, and hence, the applicant does not deserve the discretionary relief of bail at this stage.

5. Upon careful consideration of the submissions made by both sides, and after going through the material on record, the following aspects deserve to be noted: The applicant is not named in the FIR by the informant, who is himself an injured eye-witness. The only role attributed to the applicant initially was that he was present and talking with the owner of the premises. The specific allegation of assault with a wooden rod appears to have emerged during the course of investigation. The applicant has no criminal antecedents and is in custody since 3rd November, 2020, amounting to over 3 years and 7 months of incarceration. The trial has not progressed substantially. There is no indication that the trial is likely to conclude in the near future. No material is placed before this Court to show that the applicant may abscond, tamper with prosecution evidence, or threaten witnesses, if released on bail.

6. In view of the above factors, especially prolonged incarceration without progress in trial, and in absence of any compelling reason to continue his custody, this Court is of the view that the applicant has made out a case for grant of bail.

7. Hence, the following order is passed:

(a) The application is allowed.

(b) The applicant is directed to be released on bail in connection with C.R. No.555 of 2020 registered with Powai Police Station, on his executing upon furnishing cash sureties of Rs.25,000/- (Rupees Twenty Five Thousand Only) and executing a Personal Recognizance (P.R.) Bond in the like amount, within a period of six weeks from the date of his release.

(c) The applicant shall not tamper with the evidence or attempt to influence any witness.

(d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

(e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

(AMIT BORKAR, J.)