

Rajput PR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2098 OF 2024**

Yogesh Anand Bhosale @ Sonya

...Applicant

Versus

State of Maharashtra

...Respondent

Mr Keshav S Chavan, *for the Applicant.*

Ms Anuja Sunil Gotad, *APP for the Respondent - State.*

PI – Mane a/w PSI - S.R. Avhad, Tilak Nagar Police Station,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.215 of 2020 registered with the Tilak Nagar Police Station, for the offences punishable under Sections 302, 143, 145, 146, 147, 148, 149, 323, 324, 504, 506(2) read with Section 34 of the Indian Penal Code, 1860 and under Sections 4, 25 and 27 of the Arms Act, 1959 and under Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution as inferred from the FIR is that the accused persons alongwith their friends were attending Haldi Ceremony of one of their common friends called Anil Mhaske in Ghatalgav, Chembur. After the ceremony was over at approximately 10:45 p.m., the First Informant who is the brother of the deceased – Rupesh, alongwith their friends met at a particular location on the P.L. Lokhande Marg, near Nagwadi Zopadpatti. They were chatting and smoking cigarettes. The present Applicant alongwith the co-accused and other friends came to the spot and told them not to smoke cigarettes and to leave the said location. Verbal altercation ensued between the parties followed by a physical scuffle. According to the statement recorded of the First Informant i.e. the brother of the deceased, the Applicant herein took out a sword from his waist and slashed the deceased on his head.

3. Rupesh, the deceased was injured and when he bent down, the Applicant once again slashed him on his back and head by the sword. The deceased was injured and

thereafter succumbed to his injuries. On the complaint of the deceased's brother, the FIR came to be registered with the Tilak Nagar Police Station.

4. The Applicant made a bail application before the Additional Sessions Judge, Mumbai. By order dated 21st February, 2024, the said Application was rejected. Hence, the Applicant has filed the present Bail Application for his release on bail.

5. Heard Mr. Chavan, learned counsel for the Applicant and Ms.Gotad, learned APP representing the Respondent – State and perused the papers with their assistance.

6. Mr. Chavan submits that the Applicant was arrested on 18th July, 2020 and till date has suffered incarceration of almost 5 years. Even the charges have not been framed against the Applicant as yet.

7. He also draws to my attention an order dated 25th March, 2025 passed by this Court in Criminal Bail Application No.2479 of 2024 wherein the co-accused No.2 – Siddhant Raju Navayneet @Baba was released on bail on certain terms and conditions. In paragraph No.8 of the said order this Court has recorded that it is seen from Roznama that out of total 116 days that the matter was listed before the trial Court it was heard only on three occasions. The Court also recorded the statement of learned APP, that the matter was being delayed only because of the conduct of accused Nos.3 to 5. Mr. Chavan also placed on record orders dated 25th June, 2021, order dated 30th September, 2021 as well as order dated 25th November, 2021 passed in Bail Applications pertaining to the co-accused. All these accused are enlarged on bail by the orders of the Sessions Court. He thus submits that present Applicant also be granted bail on the ground of parity.

8. Per contra, Ms. Gotad submits that the role attributed to the present Applicant is quite distinct from the

role attributed to the other co-accused. She submits that the Applicant is the main accused and it was due to his act of slashing the deceased on his head and back that the deceased succumbed to the injuries. She further states that the Applicant also resides in the same locality and hence the Applicant threatening the witnesses and the complainant, cannot be ruled out. She has also pointed to the medical report which corroborates the statement that the deceased succumbed to his injuries inflicted by the present Applicant.

9. Undoubtedly, the medical report corroborates the statement of the complainant and it is *prima facie* seen that deceased succumbed to the injuries inflicted on him by the present Applicant. The role of the other co-accused who have been enlarged on bail also *prima facie* seems to be distinct with that of the present Applicant. However, the record indicates that after 5 years of incarceration, the charges have not yet been framed. As many as 32 witnesses are yet to be examined. Apprehension of learned APP can be assuaged by

placing strict conditions on the Applicant by directing him to not enter the locality where the complainant and other witnesses are residing.

10. Considering the facts in the present matter, and discussions hereinabove, this is a case fit for granting bail. Application is therefore, allowed and it is directed as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned once in 15 days;
- iii) The Applicant shall attend the trial Court concerned on each and every date, unless specifically exempted by the orders of the trial Court concerned;

iv) Applicant shall not enter the locality of Chembur, Mumbai during the pendency of the trial, except to attend the Police Station and the trial court concerned, as stipulated hereinabove;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)