

Shabnoor

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

BAIL APPLICATION NO.2957 OF 2024

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Surendrakumar Ramesh Ram	... Applicant
V/s.	
State of Maharashtra & Anr.	... Respondents

Mr. Anjali Patil a/w Mr. Tohid Shaikh, for the applicant.

Ms. Pallavi N. DAbholkar, APP for the State –
respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2025

P.C.:

1. The present application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release on bail in connection with Crime Register No. I-29 of 2023, registered at Manpada Police Station. The applicant has been arrested in relation to offences punishable under Sections 307 and 201 read with Section 34 of the Indian Penal Code, 1860, which deal with attempt to murder and causing disappearance of evidence of offence with common intention.

2. The case of the prosecution, in brief, is that the complainant, Sanjaykumar Munsiram, was residing along with his friends Sonukumar Siyaram Rai, Karanram Ashrayram, and Surendrakumar Ramesh Ram at Dombivali and was working with them at Gimatex Company, MIDC, Dombivali East. They all used

to work together in 12-hour shifts from 7 a.m. to 7 p.m. On 9th January 2023, after returning from work around 7:00 p.m., the complainant and his friends decided to cook and eat fish. The complainant and one of his roommates, Sonu, went to Tata Naka to buy raw fish and consumed some country-made liquor (desi daaru) on the way. They returned to their room in an auto-rickshaw around 10 p.m.

3. Later, they cooked and had food together. At that time, Sonu asked the complainant to buy cigarettes for all of them. After buying cigarettes, they smoked and then went to sleep around 1:00 a.m. It is alleged that, at that time, Sonu and Karan told Surendra to catch hold of Sanjay and cut his private part using a sharp weapon. The grievously injured Sanjay was then taken to Shivam Hospital in Dombivali and thereafter referred to J.J. Hospital, Mumbai for further treatment. The applicant had earlier filed a bail application before the Sessions Court, which came to be rejected. Hence, the present application for bail is filed before this Court.

4. Learned Advocate for the applicant submitted that the applicant has been in custody since 12th January 2023. It is alleged by the prosecution that the applicant had held the victim while the co-accused mutilated his private part. However, it was pointed out that as per the medical history recorded at the hospital, the victim did not remember the incident clearly. It was further submitted that though the applicant has been in jail for over a year, the charge is yet to be framed, and the trial is not likely to conclude in the near future. It was also argued that the

applicant does not have any past criminal record and is a first-time offender. On these grounds, the learned Advocate requested that the applicant be released on bail, possibly on stringent conditions.

5. On the other hand, the learned APP opposed the bail application seriously. It was argued that the nature of the crime is brutal and inhuman, and such an act could not have been committed without the active help of the applicant, who allegedly caught hold of the victim and restrained him while the co-accused committed the mutilation. It was submitted that the role attributed to the applicant clearly shows his involvement in the crime and the gruesome manner in which it was committed, which makes it unfit for this Court to exercise discretion in favour of the applicant. Hence, it was prayed that the application for bail be rejected.

6. I have carefully considered the submissions made by the learned Advocate for the applicant and the learned APP for the State. I have also perused the material available on record, including the FIR, medical papers, and the statement of the victim.

7. The allegations against the applicant are that he allegedly held the victim while the co-accused committed a grievous assault by cutting the private part of the victim with a sharp weapon. It is true that the nature of the offence is serious and shocking. However, it is equally important to examine the material to assess the applicant's exact role and the evidence available in support of the same.

8. The incident, as narrated by the complainant, appears to have taken place at night under the influence of alcohol. It is not

in dispute that the medical history recorded at the time of the victim's admission shows that the victim did not recall the details of the incident. This casts some doubt on the clarity of the events, particularly regarding the role played by the accused.

9. The applicant has been in custody since 12 January 2023, i.e., for more than one year and five months. As of today, charges have not been framed, and there is nothing on record to indicate that the trial is likely to commence or conclude in the near future. The prosecution has not brought any convincing material to show that the applicant is likely to abscond or tamper with the evidence if released on bail.

10. The applicant has no criminal antecedents, and nothing adverse has been brought on record regarding his past conduct. It is also not the case of the prosecution that the applicant, after the incident, attempted to flee or avoided investigation. The applicant appears to be a co-worker of the complainant, and their association seems to have arisen out of their shared employment and residence.

11. In such circumstances, continued incarceration of the applicant would not serve any further purpose. The applicant has already undergone substantial pre-trial detention. The trial, being at a preliminary stage, may take considerable time. Further, any apprehension of the prosecution can be adequately addressed by imposing suitable conditions.

12. Since the applicant's permanent residence is in the State of Uttar Pradesh, it is necessary to impose certain stringent conditions

to ensure his presence during the trial and to avoid any possibility of absconding.

13. In view of the above discussion and legal position, the following order is passed:

- (a) The Bail Application is allowed.
- (b) The applicant, shall be released on bail in connection with Crime Register No. I-29 of 2023 registered with Manpada Police Station for offences punishable under Sections 307, 201 read with 34 of the IPC, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:
- (c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.
- (d) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.
- (e) The applicant shall report to the Manpada Police Station, twice in a month, i.e., on the 1st and 15th day of every month between 10.00 a.m. and 12.00 noon, until further orders.
- (f) The applicant shall not, in any manner, contact the victim or her family members, directly or indirectly.

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

(h) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(i) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

14. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)