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

VAIBHAV
RAMESH
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BAIL APPLICATION NO.4711 OF 2024

Akbar Amin Hasan Ansari	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Irfan M. Pathan for the applicant.

Ms. Supriya I. Kak. APP for the State.

Mr. Jivan Bhatkule, PI, Malwani Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2025

P.C.:

1. This is an application filed by the applicant under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023, seeking grant of bail in connection with Crime No.1134 of 2023 registered with Malvani Police Station. The applicant has been booked for serious offences punishable under Sections 302 (murder), 324 (voluntarily causing hurt by dangerous weapons), 323 (voluntarily causing hurt), 114 (abettor present when offence is committed), 141 to 149 (unlawful assembly and common object) of the Indian Penal Code, 1860; and also under Sections 37(1)(A) and 135 of the Maharashtra Police Act, 1951.

2. As per the case of the prosecution, the incident took place on

30th August 2023. It is alleged that the applicant, along with several co-accused, including one Mansur, formed an unlawful assembly and collectively assaulted the informant's father. As a result of the assault, the informant's father succumbed to the injuries. The role assigned to the present applicant is that he, along with another accused, beat the deceased with bamboo sticks, while the co-accused Mansur is alleged to have hit the deceased on his head with a stone. The postmortem report indicates that the deceased had sustained six injuries, out of which one grievous injury on the head could be attributed to the stone blow by Mansur, while the remaining injuries—abrasions and contusions—are consistent with assault by bamboo sticks.

3. In support of the prosecution's case, statements of five eyewitnesses have been recorded. These witnesses have narrated the incident and attributed specific roles to the accused persons.

4. Learned counsel appearing for the applicant submitted that although the applicant was present at the spot of the incident, the role attributed to him is limited to hitting the deceased with a bamboo stick, which according to him, is not sufficient to attract the charge of murder under Section 302 IPC. It is argued that the applicant has been falsely implicated, and there are no past criminal cases against him. It is further pointed out that co-accused No.1, who is assigned a similar role in the incident, has already been released on bail, and another co-accused, namely Reshma, has also been granted bail. The applicant has been in custody since 31st August 2023. On these grounds, the learned counsel prays for

the applicant's release on bail.

5. On the other hand, learned APP opposed the bail application. It is submitted that the assault was witnessed by as many as twelve eyewitnesses, including five family members of the deceased. All these witnesses have specifically attributed the act of beating with bamboo sticks to the present applicant. It is further submitted that the bamboo stick used in the assault has been recovered at the instance of the applicant during investigation, and the nature of injuries described in the postmortem report corroborates the prosecution version. Hence, it is argued that the applicant's involvement is *prima facie* established, and considering the seriousness of the offence, he is not entitled to be released on bail.

6. I have carefully considered the submissions made by both sides and have perused the material placed on record. The role attributed to the applicant is not of a mere bystander. On the contrary, he is specifically alleged to have assaulted the deceased with a bamboo stick, which is corroborated by the statements of multiple eyewitnesses, including close relatives of the deceased. The medical evidence, in the form of the postmortem report, supports the version of the prosecution to the extent that the deceased suffered multiple injuries which are consistent with the use of bamboo sticks. Further, the recovery of the weapon (bamboo stick) from the applicant adds to the weight of the prosecution's case at this stage.

7. It is necessary to note that the release of accused No.2 on bail cannot be pressed into service by the applicant to claim parity.

Accused No.2 was released on bail under the provisions of Section 167(2) of the Criminal Procedure Code, 1973, which provides for statutory bail due to failure of the investigating agency to file the charge-sheet within the stipulated period. His release was not on the basis of merits of the case. Therefore, the applicant cannot derive any benefit from the said order.

8. Similarly, the co-accused Reshma, who has also been released on bail, stands on a different footing. The role attributed to her is distinct from that of the present applicant. The allegations against the applicant pertain to active participation in the assault which led to the death of the deceased. In contrast, the role of Reshma, as per the prosecution case, is limited in nature and not of the same intensity. Therefore, the applicant cannot claim parity with her either.

9. Considering the totality of the circumstances and the seriousness of the offence, I am not inclined to grant bail to the applicant at this stage. However, it is made clear that in the interest of justice, the applicant is granted liberty to file a fresh bail application after a period of six months, in case the trial is not concluded by that time.

: O R D E R :

(a) Bail Application stands rejected.

(b) The applicant is at liberty to apply for bail afresh after a period of six months from today, if the trial is not concluded by then.

(c) It is made clear that observations made herein are confined to the present application and shall not influence the trial Court at the time of deciding the case on merits.

(AMIT BORKAR, J.)