

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

CRIMINAL APPEAL NO.605 OF 2025

Vaibhav Ashok Patil

... Appellant

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Nitin H. Sejpal a/w Mrs. Pooja N. Sejpal & Mr. Siddharth Gharat for the Appellant.

Ms. Shilpa K. Gajare-Dhumal, APP for Respondent No.1-State.

Mr. Padmasinh P. Patil for Respondent No.2 (appointed Advocate vide Court's order dated 02/07/2025).

Mr. V. S. Tone, PSI Panvel Taluka Police Station is present.

CORAM : N.R. BORKAR, J.

DATE : 21ST AUGUST 2025

P.C. :

1. This Appeal takes exception to the order dated 29th April, 2025 passed by the Learned Special Judge, Panvel, Dist. Raigad in Criminal Bail Application No.209 of 2025 by which the Learned Special Judge has rejected the regular Bail Application filed by the present Appellant. The Appellant is in custody in Crime No.I-608 of 2024 for the offences punishable under Sections 109, 61(2) of the Bharatiya Nyaya Sanhita, 2023, Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 142 of the Maharashtra Police Act.

2. I have heard Learned Counsel for the Appellant, Learned APP for the Respondent-State and Learned Counsel for Respondent No.2.

3. According to the prosecution, on the date of incident which took place on 10th October 2024, at about 6.55pm, the complainant Akshay Thombare was returning home from work on his motorcycle. Upon reaching near Pushpak Nagar Bridge, a white colour Creta car bearing no. MH-46-CR-2527 gave a dash to his motorcycle from the back side and fled the spot. Due to which the complainant was grievously injured and rushed to the hospital. Accordingly, the present FIR was initially lodged against unknown persons, however, during investigation it was revealed that the said accident was caused with an intention to kill the complainant by co-accused Ganesh Patil, who was driving the said Creta car, at the behest of appellant Vaibhav Ashok Patil on account of previous enmity with the complainant. At the time of the incident, the owner of the car Mr. Devidas Lahu Patil and co-accused Pratik Bhagwan Patil were present in the said car.

4. Learned Counsel for the Appellant submits that the Appellant has nothing to do with the alleged crime. It is submitted that the Appellant has

been falsely implicated in the present crime, as the complainant found out about the relationship between his wife and the Appellant. It is submitted that, even otherwise, the Appellant was not present at the time of the alleged incident and the only role attributed to him is that the alleged crime was committed at the behest of the Appellant. It is submitted that the Appellant is in jail for six months and the trial is not likely to be concluded in the near future.

5. On the other hand, Learned APP for the Respondent-State as also Learned Counsel for Respondent No.2 submits that the present appellant is the main accused. It is submitted that there is a statement of Devidas Patil that present appellant told the co-accused Ganesh Patil to kill the complainant. It is submitted that considering the nature of the crime, the Appellant may not be released on bail.

6. Admittedly, the Appellant was not the occupant of the car when the alleged incident took place. The only allegation against the present Appellant is of conspiracy. The Appellant is in jail for a period of six months. Considering the overall facts and circumstances of the case, I am inclined to release the Appellant on bail. Hence, the following order:-

ORDER

- i. The Appeal is allowed.
 - ii. The impugned order is set aside.
 - iii. The Appellant shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties of the like amount.
 - iv. The Appellant shall not enter into the corporation limits of Panvel City except to attend the dates before the trial court.
 - v. The Appellant shall provide his residential address and contact number to Panvel City Police Station.
 - vi. The Appellant shall attend Uran Police Station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. of the month till conclusion of the trial.
 - vii. The Appellant shall not tamper with the prosecution evidence.
 - viii. The Appellant shall not commit any other crime.
 - ix. Liberty is granted to the prosecution to file application for cancellation of bail in case the Appellant commits breach of any of above conditions.
7. The Appeal is disposed of in the aforesaid terms.
 8. Appointed advocate be paid the Advocate Fees as per rules.

(N.R. BORKAR, J.)