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

BAIL APPLICATION NO.114 OF 2025

Sagar Sitaram Maitri @ Mhatre	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Rajesh Ganpat Bane for the applicant

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. Sachin S. Yerunkar, PSI, NM Joshi Marg Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 6, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), the applicant seeks regular bail in connection with Crime Register No.742 of 2023 registered at N.M. Joshi Marg Police Station, Mumbai, for offences punishable under Sections 307, 323, 324, 504, and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

2. As per the case of the prosecution, the informant, one Imran Shah, was working as a driver about five years prior to the incident dated 28th November 2023, for one Harishchandra Narayan, who was his friend. During that time, the present applicant, Sagar

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Mhatre, along with accused Rohit and one Gulam Choudhari, were known to visit the said Harishchandra and were therefore acquainted with the informant. It is the allegation of the prosecution that due to non-payment of the informant's salary for a period of one year, there was ill-will between the informant and Harishchandra Narayan. On 22nd November 2023, Harishchandra allegedly came to the informant's house and abused him. Thereafter, on 28th November 2023, while the informant Imran Shah was taking tea near Holy Cross Church, opposite Sai Baba Mandir, Senapati Bapat Marg, Lower Parel, in the company of Arunkumar and Nilesh Mulik, the accused Rohit, along with the applicant Sagar and co-accused Gulam, arrived at the spot. They allegedly started an argument with the informant regarding his previous dispute with Harishchandra. In the course of the altercation, the applicant Sagar is alleged to have attacked the informant with a knife on the head. Thereafter, co-accused Rahul allegedly snatched the knife from Sagar and also inflicted a blow on Imran's head, causing a bleeding injury. It is further alleged that accused Rohit assaulted the informant with fist and kicks. Bystanders intervened and rescued the informant, who was then shifted to the hospital. After receiving medical treatment, the informant lodged the First Information Report. The applicant was arrested on 12th December 2023.

3. Learned Advocate appearing for the applicant has submitted that the initial FIR was registered only under Sections 323, 324, 504, 506 read with Section 34 of IPC. However, after the supplementary statement of the informant was recorded, Section

307 of IPC was added. It is contended that the entire material on record, including the witness statements, indicates that the assailants had fled the spot after the incident. It is pointed out that only one knife is alleged to have been used by both the accused, and no separate weapon was attributed to the applicant and co-accused Rahul. It is argued that mere addition of Section 307 IPC, on the basis of supplementary statement and without corresponding medical evidence, creates doubt about the genuineness of the charge. The medical record allegedly notes that around 8 to 10 persons had assaulted the victim, whereas the FIR mentions only three accused. This discrepancy, according to the defence, weakens the prosecution case. It is further submitted that the applicant has been in custody since 12th December 2023, and considering the likely delay in commencement and conclusion of trial, the applicant deserves to be released on bail.

4. On the other hand, learned APP for the State has strongly opposed the grant of bail. It is submitted that the FIR was promptly lodged after the incident at 3:06 a.m., and the informant has specifically named the present applicant as the person who inflicted a knife blow on his head, which caused serious head injury. The prosecution has pointed out that the applicant has 19 previous criminal antecedents, out of which 12 are cognizable, and most relate to offences affecting the human body. The recovery of blood-stained clothes from the applicant and the recovery of a blood-stained knife at his instance during the course of investigation are also relied upon by the prosecution. It is further argued that the statement of the injured eye-witness is detailed

and gives a clear account of the manner in which the assault was carried out, showing that the attack was pre-planned. Hence, considering the gravity of the offence, the past criminal record of the applicant, and the nature of evidence, it is submitted that no case is made out for grant of bail, and the application ought to be rejected.

5. I have considered the submissions of the learned counsel for the applicant and the learned APP for the State. I have also gone through the First Information Report, medical record, statements of the witnesses, and other material placed on record.

6. It is not in dispute that the FIR was lodged promptly after the incident, which occurred in the early hours of 28th November 2023. The name of the present applicant finds mention in the FIR itself, and specific allegations have been levelled against him. The informant has stated that the applicant assaulted him on the head with a knife. The nature of the injury suffered by the informant is on a vital part of the body, namely the head, and the same is supported by the medical certificate on record.

7. The contention raised on behalf of the applicant that Section 307 IPC was added subsequently, and therefore, the offence is not serious, cannot be accepted at this stage. Whether the injury is sufficient in the ordinary course of nature to cause death, and whether the ingredients of Section 307 IPC are attracted, are matters which can be considered at the stage of trial. At the stage of bail, the Court is only required to see the prima facie material. In the present case, the allegation is of direct assault with a deadly

weapon on the head, and such an act, prima facie, attracts the ingredients of Section 307 IPC.

8. Moreover, the record shows that the applicant has a long criminal history with as many as 19 prior cases, out of which 12 are cognizable in nature. Several of these offences relate to bodily injuries and violence. The past conduct of the applicant is certainly a relevant factor to be considered while deciding the question of bail. A person having multiple past involvements in cognizable offences, particularly those affecting human body, cannot be lightly enlarged on bail, especially when the present offence is also of a serious nature.

9. The recovery of blood-stained clothes from the applicant, and the recovery of the knife allegedly used in the offence at his instance, further lends weight to the prosecution case. The injured witness has given a consistent and detailed account of the incident, and there is no material on record at this stage to suggest false implication. The argument that more persons were mentioned in the medical record than in the FIR, by itself, does not demolish the core allegations, particularly when the assault by the applicant has been clearly attributed in both FIR and statements.

10. The applicant is in custody since 12th December 2023. However, considering the seriousness of the offence, the weapon used, the nature of injury inflicted, and the criminal antecedents of the applicant, I am not inclined to exercise discretion in favour of the applicant at this stage. The possibility of the applicant threatening or influencing the witnesses or indulging in similar

acts cannot be ruled out.

11. Hence, in the totality of the circumstances, this Court is of the considered opinion that this is not a fit case for grant of bail.

12. The Bail Application stands rejected.

(AMIT BORKAR, J.)