

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 599 OF 2025**

Prem Suresh Ulendala @ Chotu	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Advait Tamhankar, *i/b Navkar Jain for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
PSI – Kumbhar, *Chembur Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 1st October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 5 of 2022 dated 8th January 2022 registered with Chembur Police Station, Mumbai for offences punishable under Sections 307, 323, 504, 506, 115 and 34 of the IPC and Sections 37(1) and 135 of the Maharashtra Police Act.

2. The case of the prosecution, in brief, is that one Shamil Mhatre was working as a delivery boy at a hotel called Red Spice situated in Chembur. The Applicant along with co-

accused were continuously demanding money ('Khandni') from him. On 8th January 2022, at around 5.30 p.m., when Shamil Mhatre was at the hotel, the co-accused Rahul Gupta came to the hotel and threatened him. Thereafter, at 6.15 p.m., the Applicant also came and threatened Shamil Mhatre and asked him to step out of the hotel. When he stepped outside the hotel, the Applicant started assaulting and abusing him. When Shamil Mhatre resisted, the Applicant picked up a paver block and hit him on the head. In the meantime, the other accused, Vivek Bondre, also joined and dealt a blow with an iron rod on the right thigh and head of Shamil Mhatre. The Applicant then took out a knife from his pocket and stabbed Shamil Mhatre in the stomach. Shamil Mhatre fell to the ground and the Applicant hit him again on his left hand with the knife. A crowd started to gather and the Applicant and co-accused fled away. Shamil Mhatre was taken to the hospital. Thereafter, he made the complaint pursuant to which the FIR was registered.

3. At the very outset, Mr. Advait Tamhankar, learned Counsel for the Applicant, submits that the co-accused Rahul Gupta is granted bail vide order dated 10th December 2022 passed by the Sessions Court of Greater Bombay at Mumbai. He also submits that the co-accused namely Vivek Bondre is also granted bail vide order dated 20th October 2022 passed by the Sessions Court. He submits that the role attributed to the Applicant as well as the other accused is similar. It is stated that Vivek Bondre hit the Applicant on his thigh and head with an iron rod, whereas the present Applicant is alleged to have hit him with a paver block on his head. He thus submits that, on the principle of parity, the Applicant be enlarged on bail.

4. *Per contra*, Ms. Megha Bajoria resists the bail application. She submits that the statement of the complainant is consistent with the statements made by eyewitnesses. The eyewitnesses have described the incident in graphic detail. The paver block is recovered from the spot of

the incident itself, while the knife is also recovered at the instance of the Applicant. She thus, submits that *prima facie*, the Applicant has committed the said offence. Grievous injuries are caused to the First Informant. In these circumstances, she submits that the bail application be rejected.

5. I have heard the parties and perused the papers with their assistance.

6. At the very outset, I have perused both the orders granting bail to the co-accused, wherein both are enlarged on bail by the Sessions Court. Although the present Applicant is accused No.1, the role attributed to Vivek Bondre, more specifically of hitting the injured with an iron rod on his head and thigh is similar to that of the present Applicant, save and except the object with which the injured was hit is a paver block along with a knife. Thus, on the principle of parity, I am inclined to grant bail to the Applicant. Furthermore, the Applicant is arrested on 10th January 2022 and has suffered

3½ years of incarceration, without the trial being concluded. The Applicant is 23 years of age and it is undesirable to continue his detention in the company of hardened prisoners.

7. In these circumstances, this is a fit case for bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.30,000/ with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.30,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.30,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

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 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 mobile 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) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

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

(Dr. Neela Gokhale, J)