

AGK

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

BAIL APPLICATION NO.639 OF 2025

Rahul Babu Manohar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Sunny Warkar with Ms. Harshada Morey i/by Mr. Ashok Shukla for the applicant.

Mrs. Megha S. Bajoria, APP for the respondent-State.

Mr. Sunil Sonawane PSI (Pairavi), Charkop Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 31, 2025

PC.:

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the applicant seeks his release on regular bail in connection with Crime Register No. 66 of 2023 registered with Charkop Police Station, Mumbai. The applicant is alleged to have committed offences punishable under Sections 307 and 324 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and under Sections 4 and 25 of the Arms Act.

2. As per the prosecution case, on 7th March 2023 between 8.30 to 9.00 p.m., the first informant was standing near Dingeswar Temple at Charkop Village, talking with Viraj and

some friends. At that time, one Rahul Manohar along with co-accused Raja Bagul, Akash Jadhav and the present applicant Sunny Ingle, came to the spot carrying weapons like a wooden stick and an iron rod. On seeing them armed, the local people got frightened and shut the doors and windows of their houses. Shopkeepers also pulled down their shutters. At that moment, Viraj sensed danger and tried to run, but Rahul shouted at him, saying “Aaj Tujhe Main Chhondunga Nahi, Tu Mere Haat Se Marega Aaj,” and then attacked Viraj on his head and face with a wooden stick. This blow hit Viraj’s left ear, partially cutting it off. Due to the repeated blows on head and face, Viraj collapsed on the road and started bleeding profusely. When the informant tried to intervene, co-accused Raja Bagul allegedly hit the informant on his head with an iron rod, causing injury and staining his shirt with blood. The informant was also allegedly beaten with wooden sticks and kicks. After Viraj fell unconscious, the assailants left the spot while waving their weapons, creating an atmosphere of fear and panic in the locality. Subsequently, the informant called neighbours and admitted Viraj to hospital. The applicant was arrested on the very next day, i.e. 8 March 2023.

3. Learned Advocate for the applicant submitted that two of the co-accused persons, namely Sunny Ingle and Raja Bagul, have already been released on bail. He argued that the role attributed to Raja and the present applicant is identical, and hence, on the ground of parity, the present applicant too deserves to be released. He further submitted that the postmortem report is not yet on record, but the cause of death is noted as “injury following blunt

trauma.” The FSL report with respect to the wooden stick recovered from the scene is inconclusive. The applicant has been in custody since 8 March 2023. He also pointed out that one of the witnesses has stated that 15 to 20 persons had attacked the deceased, yet only a few have been named as accused. Even the deceased, when brought to the hospital, allegedly mentioned the presence of 15 assailants.

4. On the other hand, learned APP opposed the application. She submitted that the FIR was promptly lodged in the early hours of 8 March 2023 and gives a clear account of the incident. The FIR attributes a specific role to the present applicant — namely, that he assaulted the deceased multiple times on the head and face with a wooden stick, leading to partial cutting of the ear and profuse bleeding from the head. She argued that the co-accused Raja, who has been granted bail, is only alleged to have assaulted the informant, and not the deceased. Hence, the principle of parity would not apply to the present applicant. It was further submitted that the cause of death as per the provisional postmortem report is “craniocerebral injury following blunt trauma to the head,” which is unnatural. The learned APP also relied on statements of independent witnesses who corroborated the role of the applicant in the incident and supported the version that it was the applicant who inflicted fatal injuries. On this basis, it is contended that the applicant is the author of the injuries that led to the death of the deceased, and therefore, does not deserve to be released on bail.

5. I have given my anxious consideration to the rival submissions made by the learned Advocate for the applicant and

the learned APP for the State. I have also carefully perused the FIR, the statements of the eye-witnesses recorded during investigation, and the medical papers including the provisional cause of death certificate.

6. The role attributed to the present applicant is not general or vague, but specific, direct and serious in nature. From the FIR and the version of the eye-witnesses, it is clearly alleged that the applicant assaulted the deceased repeatedly on his head and face using a wooden stick. One such blow allegedly resulted in the partial amputation of the deceased's left ear and heavy bleeding from the head. The FIR is lodged promptly, within a few hours of the incident, and is based on the statement of an injured eye-witness who was also assaulted during the incident. There appears to be no delay that would cast doubt on the credibility of the prosecution story.

7. The medical documents on record support the ocular version. The provisional cause of death is noted as craniocerebral injury following blunt trauma to the head, which prima facie is consistent with the manner of assault as described in the FIR and by the witnesses. It is significant to note that the head is a vital part of the body, and repeated assault on such a sensitive area with a hard object like a wooden stick shows clear intention or knowledge of likely fatal consequences.

8. At this stage, it cannot be ignored that the act attributed to the applicant is not of a minor or peripheral nature. Rather, he is alleged to be the main assailant who inflicted the fatal blows. Such

conduct, even if yet to be finally proved in trial, raises serious concerns regarding the applicant's involvement and the gravity of the offence. The evidence collected so far, including medical and eyewitness accounts, sufficiently point towards the applicant's direct role in causing injuries that led to the death of the deceased.

9. The learned Advocate for the applicant has placed reliance on the fact that co-accused Raja Bagul has been granted bail, and therefore, the applicant also deserves to be released on the ground of parity. However, on careful comparison of the roles assigned to both the accused persons, it becomes evident that such a plea is misplaced.

10. As per the prosecution case, the role attributed to co-accused Raja Bagul is limited to assaulting the first informant with an iron rod when he tried to intervene and save the deceased. On the other hand, the present applicant is specifically alleged to have assaulted the deceased repeatedly on his head and face using a wooden stick, which led to serious injuries and ultimately resulted in the death of the victim. Therefore, the nature and gravity of the act committed by the applicant is far more serious and distinguishable from that of the co-accused. Hence, the principle of parity does not apply in the facts of the present case.

11. It is also pertinent to note that the incident has occurred in a public place, and several local persons are cited as eye-witnesses. The incident, as alleged, created fear and terror in the locality. Considering the nature of the allegations and the fact that the applicant is a resident of the same locality, there exists a real and

reasonable apprehension that if released on bail, the applicant may attempt to influence or threaten the prosecution witnesses, many of whom are from the same area. This may adversely affect the fair conduct of trial.

12. In such serious offences involving violence resulting in death, the broader societal interest and the need to ensure justice to the victim and safety to witnesses must also be kept in view while deciding a bail application. The possibility of tampering with evidence or influencing witnesses cannot be ruled out at this stage.

13. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)