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

BAIL APPLICATION NO.1241 OF 2025

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Pritesh Mangesh Borde ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

BAIL APPLICATION NO.4482 OF 2024

Javed Jamil Shaikh ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

BAIL APPLICATION NO.791 OF 2025

Irappa Subhash Sermal ... Applicant

V/s.

The State of Maharashtra ... Respondent

Ms. Falguni Brahmabhatt with Mr. Girish Palav and
Abdur K. for the applicant in BA/1241/2025.

Ms. Megha S. Bajoria, APP for the State in
BA/1241/2025.

Ms. Shraddha Shinde i/by Ms. Dipali Patil for the
applicant in BA/4482/2024.

Ms. Shraddha Shinde i/by Mr. Sunilkumar Gupta for
the applicant in BA/791/2025.

Ms. Mahalaxmi Ganapathy, APP for the State in
BA/4482/2024 and BA/791/2025.

Mr. Dnyaneshwar Ladse, PSI, Mulund Police Station,
Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2025

P.C.:

1. These are applications filed by the respective applicants under Section 439 of the Code of Criminal Procedure, 1973, seeking their release on regular bail in connection with Crime No.382 of 2022, registered at Mulund Police Station. The offence is registered for serious charges under Sections 302, 364, 141, 143, 144, 147, 148, and 149 of the Indian Penal Code, 1860, which relate to murder, kidnapping, and unlawful assembly.

2. As per the case of the prosecution, the incident took place on 9th June 2022. The First Information Report has been lodged by the wife of the deceased. She has stated in her complaint that on the date of the incident, a group of seven accused persons, including the present applicants, approached her husband. There was a history of dispute, mainly regarding some property issue, between her husband and accused No.1 – Chetan Vijay Shirsat. Due to this earlier enmity, all the accused persons allegedly abused and threatened the victim. It is further alleged that they forcibly dragged him and took him away on a motorcycle which was driven by accused No.7 – Arjun Sanap. During this, the complainant states that all seven accused beat her husband with fists.

3. With regard to the act of using a weapon and inflicting fatal injuries, it is alleged that the main accused – Chetan Shirsat – took out a knife and gave blows to the victim on the neck and chest after taking him near New Aishwary Building, Chakkiwali Galli,

Goshala Cross Road, Mulund (West), Mumbai. The medical papers and post-mortem report prima facie corroborate the nature of injuries as stated in the FIR.

4. Learned advocates appearing on behalf of the applicants submitted that two other co-accused, namely, Pralhad and Arjun, who have been assigned similar roles, have already been granted bail by Co-ordinate Benches of this Court. In support of this submission, reliance was placed on the order dated 8th January 2025 passed in Bail Application No.3062 of 2024 and order dated 5th October 2023 passed in Bail Application No.669 of 2023. It is, therefore, submitted that on the principle of parity, the present applicants also deserve to be released on bail.

5. On the other hand, learned APP opposed the bail applications. He pointed out that the role played by the present applicants is distinct from the role of those co-accused who have been released on bail. It was submitted that apart from the physical assault by fists, the applicants played an additional role by preventing nearby persons and eye-witnesses from intervening or helping the victim while the main assault was ongoing. This act of obstructing help, as argued by the prosecution, aggravates their involvement and makes their role different in nature and intensity from those who have been released. On this basis, it was submitted that the applications deserve to be rejected.

6. Upon going through the charge sheet and considering the statements of the eyewitnesses placed on record, it becomes clear that the main and direct role in the actual assault, particularly in

inflicting the stab wounds which led to the death of the deceased, is primarily attributed to co-accused Chetan. It is alleged that he was the one who used a knife to cause fatal injuries.

7. It is true that the prosecution, through the learned APP, pointed out that as per the statements of two eyewitnesses, including Nawaz, the co-accused Pralhad and Irappa had a role in preventing bystanders or nearby witnesses from helping the victim at the time of assault. This, according to the prosecution, is a distinguishing factor and makes their role more serious.

8. However, upon an overall reading of the statements of all eyewitnesses, it appears that even the present applicants, along with co-accused Pralhad, have been attributed the similar role of stopping others from intervening or providing help to the victim during the incident. Therefore, in my view, the role attributed to the applicants cannot be said to be graver or materially different from the role of those co-accused who have already been granted bail by this Court.

9. In such circumstances, and in the interest of maintaining parity among similarly placed accused, I find that the applicants are entitled to be released on bail on the same terms and conditions as imposed upon co-accused in Criminal Bail Application No.3062 of 2024, by the Co-ordinate Bench of this Court.

10. Accordingly, the applicants shall be released on bail, subject to the same conditions as imposed in the above-mentioned bail order.

11. Hence, the following order is passed:

- i.** Applicants - Pritesh Mangesh Borde, Javed Jamil Shaikh, and Irappa Subhash Sermal are directed to be immediately released from prison in connection with Crime No.382 of 2022, registered with Mulund Police Station for offences punishable under Sections 302, 364, 141, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860;
- ii.** Applicants are directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand Only) (each) with one surety of the like amount;
- iii.** Applicants shall report to the Investigating Officer at Mulund Police Station, once in every month on the first Monday of the month between 10:00 a.m. to 12:00 noon;
- iv.** Applicants shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;
- v.** Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court;
- vi.** Applicants shall not influence with any of the witnesses or tamper with the evidence in any manner;
- vii.** Applicants shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to

time, as applicable; and

viii. Any infraction of the conditions shall entail cancellation of bail granted to the applicants.

12. The bail applications stand disposed of in the aforesaid terms.

(AMIT BORKAR, J.)