

VRJ

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

BAIL APPLICATION NO.837 OF 2025

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Chinmay Dattatray Shinde

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Pranay Saraf for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

Mr. Nilesh Satyawar Chavan, Wagle Estate Police
Station, Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2025

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973, whereby the applicant seeks his release on bail in connection with Crime No. I-219 of 2023, registered at Wagle Estate Police Station. The offences alleged against him are punishable under Sections 307, 326, 324, 323, 504, 506, 141, 143, and 149 of the Indian Penal Code, 1860, and under Sections 4 and 25 of the Arms Act.

2. As per the case of the prosecution, a First Information Report was lodged by one Sumit Lakhma Sapte. In the said FIR, it is alleged that on 19th September 2022, at around 01:00 a.m., near Hanuman Mandir, the applicant along with several co-accused

persons formed an unlawful assembly and assaulted the informant, his friend Vikram Sonawane, and others namely Sanjay Rawani, Sunil Gawli, and one more person. The incident appears to have been triggered by an earlier dispute. It is specifically alleged that the applicant assaulted Vikram Sonawane with a knife. The medical certificate in respect of Vikram indicates three stab wounds – one on the right side of the chest measuring 2 x 1 x 2.5 cm, another on the right hypochondriac region measuring 2 x 1 cm with peritoneal breach, and the third on the lateral wall of the right side of the abdomen with peritoneal breach. The nature and location of the injuries suggest that they were inflicted on vital parts of the body.

3. This Court had earlier rejected the applicant's plea for bail vide order dated 19th June 2024. The present application is filed afresh, claiming a change in circumstance.

4. Learned counsel appearing for the applicant submitted that the applicant has already undergone more than two years of incarceration as an undertrial prisoner. Despite such prolonged custody, the charges have not yet been framed. It is pointed out that there are as many as 12 prosecution witnesses yet to be examined, and in these circumstances, there is no likelihood of early conclusion of the trial. It is thus urged that further incarceration would amount to pre-trial punishment, and the applicant may be enlarged on bail with suitable conditions.

5. On the other hand, learned APP has opposed the grant of bail. It is submitted that the injury suffered by the victim was on a

vital organ – namely the chest – and the injury report clearly matches with the specific role attributed to the present applicant, namely, of attacking Vikram Sonawane with a knife. It is only by good fortune that the victim survived the injuries after intensive care. The learned APP further submitted that there is no change in circumstance after rejection of the earlier bail application. It is further pointed out that the applicant has as many as 12 prior criminal antecedents, most of which relate to bodily offences. The prosecution expressed apprehension that if released on bail, the applicant may again indulge in similar acts of violence or may attempt to influence or intimidate the witnesses. Hence, the application is strongly opposed.

6. Upon hearing the learned advocate for the applicant and the learned APP for the State, and on perusal of the papers of investigation placed on record, the following material aspects emerge:

(i) The allegations against the applicant are of serious nature, involving offences punishable under Section 307 and 326 of the IPC, which pertain to attempt to murder and voluntarily causing grievous hurt by dangerous weapons.

(ii) The medical evidence clearly shows that three stab injuries were caused to the victim Vikram Sonawane, out of which two injuries resulted in peritoneal breach, and one was located on the chest, a vital organ. The dimensions and depth of the injuries suggest grave assault with intent to cause fatal harm.

(iii) The specific role attributed to the applicant is of assaulting the victim with a knife, and this is corroborated by the medical certificate. There is prima facie material connecting the applicant to the overt act of causing serious injuries.

(iv) Though it is true that the applicant is in custody for over two years and the trial has not made substantial progress, it is equally relevant to note that the earlier bail application has been rejected on merits as recently as 19th June 2024. No new or substantial change in circumstance has been shown by the applicant except for the passage of time.

(v) Additionally, the record indicates that the applicant has 12 prior criminal cases to his discredit, most of which relate to offences affecting human body, indicating a propensity to commit violent acts. This Court is, therefore, unable to ignore the apprehension of the prosecution that if released, the applicant may tamper with the witnesses or repeat similar offences.

(vi) In view of the gravity of the offence, the seriousness of injuries, and the criminal antecedents, this Court is of the view that mere delay in trial, by itself, cannot be a ground for granting bail in the present case.

(vii) This Court is, therefore, not inclined to exercise discretion in favour of the applicant at this stage.

7. Hence, the following order is passed:

(i) The Bail Application is hereby rejected.

(ii) It is clarified that the trial Court shall make all possible endeavours to ensure that the trial is concluded at the earliest.

(AMIT BORKAR, J.)