

VRJ

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

BAIL APPLICATION NO.1218 OF 2025

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Aamir Tajammul Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. A. R. Gole with Ms. Vishwali Botle for the applicant.

Mr. Sagar R. Agarkar, APP for the State-respondent.

Mr. R. D. Shendage, PSI, Tulinj Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2025

P.C.:

1. This is an application filed by the applicant under the provisions of Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, thereby seeking his release on regular bail in connection with Crime No. 610 of 2024, registered with Tulinj Police Station, District Palghar. The said crime has been registered for offences punishable under Sections 103(1), 109, 189, 190, 191, 189(2), 189(4), 191(2), 191(3), and 194 of the Bharatiya Nyaya Sanhita, 2023.

2. As per the case of the prosecution, the present applicant, along with other co-accused persons, is alleged to have formed an

unlawful assembly and committed a violent assault on the deceased. It is alleged that certain co-accused were armed with deadly weapons and inflicted grievous injuries on the deceased, which ultimately resulted in his death. Insofar as the role of the present applicant is concerned, the prosecution case, as disclosed from the statements of eyewitnesses and injured witnesses, indicates that the applicant allegedly assaulted the deceased with fists and kicks and was also instrumental in encouraging or abetting the armed co-accused who inflicted fatal blows on the deceased.

3. Learned Advocate appearing for the applicant submitted that the main role attributed to the applicant is with respect to an alleged assault on one Shubham, who was present at the scene of offence. It is submitted that the only specific allegation against the applicant is that he assaulted Shubham with a knife, causing an injury on his back. The injury certificate, however, shows that the injury sustained by Shubham is simple in nature. It is further submitted that there is no clear allegation by any witness that the applicant caused any injury to the deceased or played a direct role in his death. It is, therefore, urged that the applicant does not deserve to be kept in custody for an indefinite period, particularly when no overt act causing death is attributed to him. On this basis, prayer for grant of regular bail is made.

4. On the other hand, the learned APP opposed the bail application and submitted that the applicant assaulted Shubham Thakur with an intention to commit his murder. It is submitted that the act of the applicant cannot be seen in isolation, and that it

forms part of a larger conspiracy and common object shared by the unlawful assembly. It is further submitted that in view of the statements recorded during the course of investigation and the material collected in the charge-sheet, the applicant's role is not minor, but one which indicates active participation and instigation in the commission of the offence. According to the prosecution, this attracts the application of Section 109 of the Bharatiya Nyaya Sanhita, and the applicant must be treated on par with the other accused for the purpose of deciding bail.

5. I have carefully considered the rival submissions made by the learned counsel for the applicant and the learned APP. I have also perused the charge sheet, injury certificates, and statements of the witnesses recorded by the Investigating Officer.

6. It is not in dispute that the specific allegation against the present applicant is that he assaulted one Shubham with a knife. The medical certificate produced on record shows that the said injury is simple in nature and does not appear to be grievous or life-threatening. As far as the incident of fatal assault on the deceased is concerned, no witness has clearly attributed any specific act to the applicant in that regard. The statements relied upon by the prosecution reflect that the co-accused persons, who were armed with weapons, inflicted grievous injuries on the deceased, resulting in his death. The role attributed to the applicant is limited to having assaulted another person and allegedly encouraging others.

7. At this stage, without going into the merits of the case, it

appears that the applicant's role is distinguishable from that of the main assailants. He is not shown to be the one carrying or using any deadly weapon against the deceased. There is no recovery of any weapon at the instance of the applicant. Further, it is not the case of the prosecution that the applicant has criminal antecedents or that he may tamper with the evidence or influence witnesses if released on bail.

8. In such circumstances, considering the nature of the role attributed to the applicant, the fact that the injury caused by him to another person is simple in nature, and the absence of any direct involvement in the fatal assault on the deceased, this Court is of the opinion that the applicant has made out a case for grant of regular bail.

9. Hence, the following order is passed:

- i. The applicant Aamir Tajammul Shaikh is directed to be released on bail in connection with Crime No.610 of 2024, registered with Tulinj Police Station, for offences punishable under Sections 103(1), 109, 189, 190, 191, 189(2), 189(4), 191(2), 191(3), and 194 of the Bharatiya Nyaya Sanhita, 2023, upon furnishing Personal Recognizance (P.R.) Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount to the satisfaction of the Trial Court, subject to the following conditions:
- ii. The applicant shall not tamper with the evidence or attempt to influence any witnesses in any manner.
- iii. The applicant shall regularly remain present before the

Trial Court on every date of hearing, unless prevented by sufficient and justifiable cause.

iv. The applicant shall report to the Tulinj Police Station on first Monday of every month between 10:00 a.m. to 12:00 noon until further orders.

v. The applicant shall not leave the territorial jurisdiction of the concerned Trial Court without obtaining prior permission.

vi. The applicant shall not, in any manner, contact the victim's family members, directly or indirectly.

vii. The applicant shall not commit any offence or indulge in any criminal activity during the pendency of the trial.

10. The bail application is disposed of in the aforesaid terms.

(AMIT BORKAR, J.)