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

**BAIL APPLICATION NO.1317 OF 2025**

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Panirselvam urf Mukka Mayavan Arjun ... Applicant

**V/s.**

The State of Maharashtra ... Respondent

**WITH**

**BAIL APPLICATION NO.1348 OF 2025**

Subramaniam Arjun @ Super S/o

Kalimurthy Arjun ... Applicant

**V/s.**

The State of Maharashtra ... Respondent

Mr. Samir Shisode for the applicant in BA/1317/2025.

Mr. Mohsin Khan Latif Khan Pathan with Babu Singh  
for the applicant in BA/1348/2025.

Ms. Rajashree V. Newton, APP for the State.

Ms. Megha S. Bajoria, APP for the State.

Mr. Tadavi, PI, Mr. Pawase, PSI, RCF Police Station is  
present.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 16, 2025**

**P.C.:**

1. These are bail applications filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime No.318 of 2024 registered at RCF Police Station, Mumbai. The applicants have been arrested in connection with serious offences punishable under Sections 302

(murder), 452 (house trespass after preparation for hurt, assault or wrongful restraint), 141, 143, 147, 149 (unlawful assembly and rioting), 323 (voluntarily causing hurt), 504 (intentional insult with intent to provoke breach of peace), 506(2) (criminal intimidation), 120-B (criminal conspiracy), and 34 (common intention) of the Indian Penal Code, 1860.

2. The prosecution story, in brief, is that on 11th May 2024 at about 1:11 a.m., the informant received a phone call from his maternal aunt (Mami) Smt. Shila, informing him that some persons were banging the door of his maternal uncle's (Mama's) house using their feet. The informant, on hearing this, contacted his cousin brother to verify the situation. After a short while, the cousin conveyed to him that Accused No.1 along with two other persons was seen banging the door and threatening his Mama. Later, at around 6:00 to 6:30 a.m., the informant's son came running and informed him that some persons were fighting with Pitamber Mama near the railway tracks. On learning this, the informant rushed to the spot and saw the accused persons in a physical altercation with his Mama. The informant tried to intervene and save his Mama. Thereafter, they somehow managed to reach home. However, the accused persons allegedly followed them to the residence. It is alleged that Accused No.1 caught hold of the collar of the victim and started assaulting him. The co-accused also joined in and began to beat the victim. It is specifically alleged that Accused No.1 delivered fist blows to the victim's head, due to which he lost consciousness. After the incident, the accused persons fled from the spot. The informant

and others took the victim to the hospital, where he was declared dead. On the basis of this incident, the present FIR was registered at RCF Police Station.

3. The learned advocate appearing for the applicants has placed reliance upon the order dated 3rd July 2025 passed by this Court in Criminal Bail Application No.1763 of 2025, whereby bail came to be granted to one of the accused persons who is alleged to have assaulted the deceased by giving fists and blows on the date of incident, i.e., 11th May 2024. It is submitted that in comparison, the role attributed to the present applicant Panirselvam @ Mukka Mayavan Arjun is only of having issued threats to the deceased two days earlier, i.e., on 9th May 2024. As regards the other applicant Subramaniam Arjun @ Super, S/o Kalimurthy Arjun, it is submitted that the allegation of physical assault is based solely on the outcome of a Test Identification Parade (TIP), and no independent witness has corroborated the act of assault specifically attributed to him.

4. On the other hand, the learned APP has opposed the applications, contending that the allegations against the present applicants are serious in nature, and that Panirselvam @ Mukka Mayavan Arjun has five prior criminal antecedents to his discredit. It is submitted that considering the gravity of the offence, and the specific roles attributed to each of the applicants, they are not entitled to be released on bail at this stage.

5. I have heard the submissions advanced by the learned counsel appearing for the applicants as well as the learned APP for

the State. I have also carefully perused the FIR, charge-sheet, statements of witnesses, and other documents placed on record.

6. It is not in dispute that the incident in question occurred on 11th May 2024, resulting in the unfortunate death of the victim. However, as far as the applicant Panirselvam @ Mukka Mayavan Arjun is concerned, the allegation against him is of having issued threats to the deceased two days prior, i.e., on 9th May 2024. He is not attributed any overt act of physical assault on the deceased on the day of the incident. Prima facie, the role attributed to him appears to be indirect and distinguishable from the role of those who are alleged to have actively participated in the assault that led to the death of the victim.

7. Insofar as the other applicant Subramaniam Arjun @ Super S/o Kalimurthy Arjun is concerned, the prosecution mainly relies on the Test Identification Parade (TIP) to connect him with the act of assault. It is settled law that identification in a TIP is only a corroborative piece of evidence and cannot be treated as substantive evidence in itself. The prosecution has not placed on record any independent witness account or direct evidence such as CCTV footage or recovery linking this applicant conclusively with the incident.

8. It is also pertinent to note that this Court has, by order dated 3rd July 2025 in Criminal Bail Application No.1763 of 2025, granted bail to another co-accused who was attributed a direct role of assaulting the deceased with fist blows on the very date of incident. In light of this, the principle of parity must be taken into

consideration while deciding the present bail applications. The applicants stand on an equal, if not better, footing than the said co-accused.

9. Although the applicant Panirselvam @ Mukka Mayavan Arjun is stated to have criminal antecedents, no material has been brought on record to demonstrate that he has misused bail in the past or that he poses any flight risk. Both applicants are stated to be permanent residents of Mumbai and their presence can be secured during trial by imposing appropriate conditions.

10. The trial is not likely to commence in the near future. The applicants have been in custody since their arrest in May 2024. The investigation is stated to be complete and the charge-sheet has already been filed. Hence, their further custodial detention is not warranted.

11. In the aforesaid circumstances, taking into account the nature of allegations, the role attributed to each of the applicants, the principle of parity, and the stage of trial, this Court is of the opinion that the applicants deserve to be enlarged on bail, subject to conditions.

12. Hence, the following order is passed:

- i) The bail applications are allowed;
- ii) The applicants Panirselvam urf Mukka Mayavan Arjun and Subramaniam Arjun @ Super S/o Kalimurthy Arjun are directed to be released on regular bail in connection with Crime No.318 of 2024 registered at RCF Police Station,

Mumbai. The applicants have been arrested for offences punishable under Sections 302 (murder), 452 (house trespass), 141, 143, 147, 149 (unlawful assembly), 323 (voluntarily causing hurt), 504 (intentional insult), 506(2) (criminal intimidation), 120B (criminal conspiracy), and 34 (common intention) of the Indian Penal Code, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicants shall report the Investigating Officer of RCF Police Station initially for the first two months on the third Saturday of the month between 11:00 a.m. to 12:00 p.m. and thereafter as and when called;
- b) The 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 cancellation of this order;
- c) The applicants shall not leave the State of Maharashtra without prior permission of the Trial Court. They shall deposit their passports, if any, within two weeks after being released on bail with the Trial Court;
- d) The applicants shall not influence with any of the witnesses or tamper with the evidence in any manner;
- e) The applicants shall keep the Investigating Officer

informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

f) Any infraction of the above conditions shall entail cancellation of this order.

4. The bail applications are allowed and disposed of.

(AMIT BORKAR, J.)