

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1409 OF 2025**

Shravan @ Aavan Janardan Chavan ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Nitin Sejpal *a/w Pooja Sejpal, Siddharth Gharat and K. S. Thakkar, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the State-Respondent.*

PSI – Raju Salunkhe, *Deonar Police Station, is present.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 16th DECEMBER 2025**

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 407 of 2020 dated 19th December 2020 registered with Deonar Police Station, Mumbai for the offences punishable under Sections 307, 451, 452, 380, 324, 323, 504, 427, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 (for short, “IPC”). Thereafter, approval under the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for short, “MCOCA”) was granted and

charges under MCOCA were also added against the Applicant and others.

2. There are in all nine accused and the present Applicant is Accused No. 6.

3. The facts of the case reveal that on 18th December 2020 at around 10:00 pm., when the Complainant was in his house, one of the Accused called him outside. When he stepped outside the house, the said person, whose face was masked by a handkerchief, placed a knife near his waist and took him aside, where the rest of the Accused, namely, Shravan @ Aavan Chavan and his friends, including Santosh Talekar, Jaysingh Sherkar, Nilesh Pawar and four other unknown persons, were present. They gave the First informant a thrashing.

4. It is the further case of the prosecution that thereafter, the First Informant and his family members were beaten up because of some personal enmity. They suffered serious

injuries. The father of the First Informant suffered injuries on his chest and neck. All his family members were injured. Hence, the FIR was registered and the co-accused were arrested on 20th December 2020.

5. The Applicant made an application seeking bail before the Special Judge (MCOCA), Greater Mumbai. However, by order dated 10th March 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

6. Mr. Nitin Sejpal, learned Counsel for the Applicant, at the outset, has tendered an order dated 25th December 2025 passed by the Supreme Court, whereby the co-accused, Santosh Talekar, is granted bail. The relevant paragraphs of the said order of the Supreme Court read as under:

“10. It is true that the appellant has criminal antecedents and also suffered a conviction. However, that per se cannot be a ground for continuing the appellant in custody pending trial and refuse him bail. Having regard to the contents of Annexure R-5 of the

reply/counter affidavit filed by the respondent-State, we are prima facie satisfied that the appellant's presence is not captured in the CCTV footage. To that extent, whatever has been averred in the reply/counter affidavit does not appear to be correct. That apart, the appellant has suffered incarceration for almost five years without a trial. Every accused is 15 entitled to not only a fair trial but also a speedy trial.

11. Since the prosecution proposes to examine 52 witnesses, the trial is likely to take some time to conclude. In such view of the matter, detaining the appellant in custody any further without conclusion of the trial being in sight anytime soon would result in curtailment of his right protected under Article 21 of the Constitution of India.

12. Having regard to the aforesaid facts and circumstances and the period of incarceration suffered by the appellant, we are of the considered opinion that the appeal against the order dated 5th September, 2024 deserves acceptance and that he could be admitted to an order for release on bail on stringent conditions.

13. Accordingly, we set aside the impugned judgment and order dated 5th September, 2024.

14. The appellant shall be released on bail, subject to such terms and conditions as may be imposed by the

trial court. One of the conditions would be that the appellant shall not enter the jurisdictional limits of Police Station Deonar without obtaining the permission of the trial court.

15. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.

16. The appellant shall, however, appear before the trial court on the dates fixed, unless exempted; and should the appellant fail to appear on any date without justifiable cause or breach any of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail.

17. The appeal against the order dated 5th September, 2024 is, accordingly, allowed on the aforesaid terms.”

7. He submits that the role attributed to the Petitioner before the Supreme Court, namely Santosh Talekar, is identical to the role attributed to the present Applicant. He submits that on the principle of parity, the present Applicant be enlarged on bail.

8. Ms. Megha Bajoria, learned APP, fairly concedes that since the role is identical to that of Santosh Talekar, who has

been enlarged on bail by the Supreme Court, this Court may pass appropriate orders.

9. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

10. A plain reading of the FIR clearly indicates that the role attributed to Santosh Talekar is identical to the role attributed to the present Applicant. All the accused are in custody from 20th December 2020. Keeping in view the facts of the case as well as the stage of trial, the Supreme Court has enlarged the co-accused, Santosh Talekar on bail. In these circumstances and in view of the principle of parity, the present Applicant is enlarged on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released

and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Application is allowed in the above terms and is accordingly, disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)