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

**BAIL APPLICATION NO.1485 OF 2025**

|                             |                |
|-----------------------------|----------------|
| Sudhakar Jagannath Ausarmal | ... Applicant  |
| <b>V/s.</b>                 |                |
| The State of Maharashtra    | ... Respondent |

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Mr. Ravi Dwivedi with Sainath S. Baji and Aditya Gole  
for the applicant.

Ms. Shilpa G. Talhar, APP for the State.

Ms. Dipali Pawase, PSI, RCF Police Station is present.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 18, 2025**

**P.C.:**

1. The present application is filed by the applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, seeking his release on bail in connection with Crime Register No.438 of 2024, registered with RCF Police Station, Mumbai. The applicant has been booked for serious offences punishable under Sections 103(1), 109, 61(2), 115(2), 352, 351(3), 189(2), 191(3), and 190 of the Bhartiya Nyay Sanhita, 2023. In addition to the above, offences under Sections 4 and 25 of the Arms Act and Sections 37(1)(A) and 135 of the Maharashtra Police Act have also been invoked against the applicant.

2. As per the case of the prosecution, there was an earlier quarrel in April 2024, involving Prakash Dhende, the brother of

the complainant, and three others — namely, Rohit Yadav, Siddharth Kamble, and Santosh Jagtap. In respect of that quarrel, a complaint was lodged at the RCF Police Station. Subsequently, the complainant visited the residence of Sitaram (who is the brother of Santosh) at Chembur, Mumbai, to make inquiries about the said incident. However, this visit led to a fresh altercation between the complainant and Sitaram, resulting in a counter-complaint being filed against the complainant and one Vikas. Due to this, the complainant was arrested. The case record also shows that after this incident, the complainant ceased all communication with Sitaram and his family.

3. The main incident which forms the subject matter of the present FIR occurred on 21st July 2024, between 9:30 to 10:00 p.m., near Building No. 6, Chembur. It is alleged that Sitaram, Suresh, and their associates — Rupesh, Sagar, Sudhakar, and another person also named Rupesh — jointly assaulted Siddharth Kamble. The complainant, who was present at the spot, tried to intervene and save Siddharth, but he was also assaulted. It is specifically alleged that Sitaram was armed with a knife and inflicted grievous injuries on Siddharth's neck, wrists, and abdomen. When the complainant tried to intervene, he too was allegedly assaulted by Sitaram and others, resulting in injuries to his back, cheek, head, and ear. Following this incident, the applicant was arrested. It is noted that the applicant's earlier bail application before the learned Sessions Court came to be rejected, and hence, the present application has been filed before this Court.

4. Learned counsel for the applicant submits that co-accused

Rupesh Vairale, who is alleged to have assaulted the deceased with fists and blows, has already been released on bail by this Hon'ble Court in Criminal Bail Application No. 232 of 2025. It is further submitted that the only role attributed to the present applicant is that he allegedly caught hold of the informant, who was trying to save the deceased. There is no specific overt act alleged against the applicant regarding use of any weapon. The applicant has been in custody since 22nd July 2024, and therefore, it is submitted that he be granted bail, especially when a similarly placed co-accused is already on bail.

5. On the other hand, the learned Additional Public Prosecutor has opposed the application. She submits that the applicant's role cannot be viewed in isolation, as he facilitated the main accused in committing the offence by restraining the informant, thereby preventing him from helping the deceased. Hence, the learned APP contended that the act of the applicant attracts the principle of common intention under Section 34 of the Indian Penal Code, and prayed that the bail application be rejected.

6. I have carefully considered the submissions advanced by the learned counsel for the applicant and the learned Additional Public Prosecutor. I have also perused the case papers and charge-sheet placed on record.

7. On prima facie examination of the material on record, it appears that the main allegations of grievous assault using a knife are directed against accused Sitaram. The role attributed to the present applicant is limited to catching hold of the informant, who

tried to save the injured person. There is no specific allegation that the applicant was armed with any weapon, nor that he inflicted any injury on the victim.

8. It is also not the case of the prosecution that the applicant had any prior enmity with the injured or had actively participated in the planning or execution of the assault, apart from the allegation of restraining the informant. The exact nature of the applicant's involvement is a matter of trial. The principle of vicarious liability or common intention under Section 34 IPC will be tested during the course of evidence.

9. Further, it is not disputed that the co-accused Rupesh Vairale, who is alleged to have used physical force on the victim by way of fists and blows, has already been granted bail by this Court. The role attributed to the present applicant appears to be on a similar or lesser footing.

10. The applicant is in custody since 22nd July 2024, and the investigation is now complete. Charge-sheet has been filed. Hence, his further detention, especially when trial is likely to take some time, may not serve any useful purpose.

11. The applicant has no criminal antecedents as per the record placed before this Court. There is also no material to suggest that the applicant, if released on bail, would tamper with prosecution witnesses or flee from justice.

12. Considering the overall circumstances of the case, the limited role attributed to the applicant, and the parity with the co-accused already released on bail, this Court is of the view that the applicant

deserves to be released on bail, subject to suitable conditions.

**13.** Hence, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant Sudhakar Jagannath Ausarmal shall be released on bail in connection with Crime Register No. 438 of 2024 registered with RCF Police Station for offences punishable under Sections 103(1), 109, 61(2), 115(2), 352, 351(3), 189(2), 191(3), 190 of BNS, Sections 4, 25 of the Indian Arms Act, and 37(1)(A), 135 of the Maharashtra Police Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(d) The applicant shall report to the RCF Police Station, on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

4. The bail application is allowed and disposed of.

**(AMIT BORKAR, J.)**