

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3731 OF 2024

Ajit Manohar Rathod	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO. 1502 OF 2025

1. Chandrashekhar Tukaram Biradar	
2. Balbhim Tukaram Biradar	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Nitin Gaware-Patil, Advocate for Applicant in BA 3731/24
 - Mr. Amol M. Thombre, Advocate for Applicants in BA 1502/25
 - Ms. Rajeshree V. Newton, APP for Respondent - State in BA 3731/24
 - Mr. Sukanta A. Karmakar, APP for Respondent - State in BA 1502/25
 - N.B. Gaikwad, PSI, Shivaji Nagar Police Station, Ambernath (E)

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2025

P. C.:

1. Heard learned Advocates appearing for Applicants and learned APPs appearing for State.

2. Mr. Gaware-Patil, learned Advocate for Applicant in BA 3731/21 is directed to append copy of the chargesheet to present Application to enable the prosecution to take instructions on the precise role of Applicant. According to him, case of prosecution is based on

circumstantial evidence only. He would persuade the Court to consider the fact that assault on victim had taken place in view of the alleged reasons by a mob including the Applicant but since the Applicant is resident of that area and was present in the mob, his name has been indicted by the prosecution. Similar is the case and role of the Applicants in BA 1502/25. Mr. Thombre, learned Advocate appearing for Applicants in BA 1502/25 would persuade the Court to consider the fact that role attributed to his clients is that they had assaulted the victim with bamboo sticks. He would submit that Applicants are young offenders and students, hence he would request the Court to grant him liberty to move the Vacation Court, if desired.

3. Both learned Advocates would submit that the case of prosecution does not attribute any role to the Applicants – accused persons so as to attract offence beyond the scope of Section 304 Part II of the Indian Penal Code, particularly in the absence of any premeditation, motive or intent to commit the alleged crime.

4. Learned APPs shall consider the precise role of Applicants from the chargesheet and accordingly apprise the Court on the next adjourned date.

5. Both the Applications be tagged together and kept for hearing on **10th July, 2025**. Liberty to move the Vacation Court.

Amberkar

[MILIND N. JADHAV, J.]

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