Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1717 OF 2025

Sahil Ananda Surve ...Applicant
Versus
State of Maharashtra ...Respondent

Mr S A Shaikh, *with Shafi Shaikh, for the Applicant.*
Ms Poonam P Bhosale, *APP for the Respondent-State.*
Mr Morkane, *API and Mr. Nitin Palande, PSI, attached to Trombay Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 01ST OCTOBER 2025

PC:-

1. The Applicant is seeking his release on bail in connection with FIR No.177 of 2024 dated 20th June 2024 registered with the Trombay Police Station, Mumbai for the offences punishable under Sections 307, 326, 352, 504 read with 34 of the Indian Penal Code, 1980 ('IPC' for short) and Sections 4 and 27 of the Arms Act, 1959 and Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that the injured victim had gone to attend birthday party of the Applicant herein. During the celebrations, injured victim and his 3 friends had some altercations, which led to a physical scuffle between the parties. During the scuffle, co-accused namely, Yogesh Ballal abused injured victim in a filthy language. Injured victim gave said Yogesh a push due to which he fell down on the ground. Getting angry over this act of the injured victim, the Applicant and another co-accused Akash started beating injured victim. During this melee, said Yogesh took out sharp weapon and caused hurt to the injured victim on his head, face and hand. At the same time, the Applicant also took out a sharp weapon and caused hurt on the back and chest of the injured victim. An auto-rickshaw driver passing by, stopped and helped the injured victim and took him to a hospital. Thereupon complaint was given to the Police by the sister of the injured victim, resulting into the registration of the present FIR.

3. The Applicant made application seeking bail before the Additional Sessions Judge, Bombay. However, by an order dated 7th March 2025, the bail application was rejected. Hence, he has filed the present Bail Application for the reliefs as prayed.

4. Learned counsel appearing for the Applicant submits that the Applicant is merely a 19 year old boy; he has no criminal antecedents; he was arrested on 20th June 2024 and till date, charges are not framed by the Trial Court. He further submits that his father is no more and he is the only person to look after his mother and younger brother. He submits that the entire incident took place at the spur of the moment and this was not a premeditated offence. In these circumstances, he prays that bail be granted to the Applicant.

5. Per contra, Ms. Poonam Bhosale, learned APP representing the State, places reliance on the statement of the injured victim recorded under Section 164 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short). She submits that

the statement of the injured victim recorded under Section 164 of the Cr.P.C. is consistent with the statement given by him to the Police. She also points to the medical record of the injured victim and submits that the offence is serious and bail application be rejected.

6. Heard both the counsel and perused the record with their assistance.

7. It is an admitted fact that despite the Applicant being arrested on 20th June 2024, till date, charges are not framed. Admittedly, the Applicant does not have any antecedents. The case narrated by the injured victim to the Police as well as his statement recorded under Section 164 of the Cr.PC. are undoubtedly consistent with each other. However, it does appear *prima facie* that the entire offence was committed at the spur of the moment. The said offence does not seem to be a premeditated act. I have also seen the injury certificate of the injured victim. There are in all 12 injuries out of which 11 are simple and one is grievous. Considering the age of the

Applicant, it is not desirable that the Applicant's incarceration is continued in the company of hardened criminals. In view of the fact that even charges are not framed till date, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the concerned Police Station once in a month, on 1st Saturday of every month between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

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

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

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

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

(DR. NEELA GOKHALE, J)

SHAMBHAVI NILESH SHIVGAN

Digitally signed by SHAMBHAVI NILESH SHIVGAN
Date: 2025.10.01 19:33:55 +0530