

AGK

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

BAIL APPLICATION NO.1811 OF 2025

Ashwin Pramod Ingle

... Applicant

V/s.

The State of Maharashtra

... Respondent

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.06.24
18:20:11 +0530

Ms. Payoshi Rao i/by Madhvi Gomatheswaran for the
applicant.

Mrs. Rajashree V. Newton, APP for the respondent-
State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 24, 2025

P.C.:

1. This is a bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking regular bail in connection with Crime Register No.193 of 2023, registered with Hill Line Police Station, for offences punishable under Sections 302 (murder), 307 (attempt to murder), 120B (criminal conspiracy), 201 (causing disappearance of evidence), 143, 145, 147, 148, and 149 of the Indian Penal Code, as well as Sections 37(1) and 134 of the Maharashtra Police Act.

2. As per the case of the prosecution, the incident took place on 26 May 2023 at around 11:50 p.m. in a tin shed situated at a Jeans Factory, owned by the deceased. It is alleged that Vikram, along

with six to seven unknown persons, entered the premises and stabbed the deceased with knives and a chopper. It is further alleged that the complainant, who was present at the scene, was also targeted and attacked by the accused persons, though he managed to escape.

3. Learned advocate for the applicant submitted that a Coordinate Bench of this Court has granted bail to the accused persons in Bail Application No.2491 of 2024 and Bail Application No.476 of 2025 by order dated 23 April 2025. It was pointed out that the applicants in those matters were assigned more serious and active roles, including direct involvement in the assault. In contrast, the present applicant has not been assigned any overt act of assault. As per the prosecution itself, the role attributed to the applicant is that he was merely seen standing across the road, and was not physically involved in the act of stabbing or attacking.

4. On the other hand, learned APP opposed the bail application and submitted that the role of the present applicant cannot be lightly considered. According to her, the applicant's conduct is akin to that of the six to seven unidentified persons who are mentioned in the FIR. She contended that though the applicant's role may appear less active, he was part of the group and therefore equally liable under the principle of common object and criminal conspiracy.

5. I have carefully considered the submissions made by both sides. I have also gone through the chargesheet and the statement of witnesses, as well as the order passed by the Coordinate Bench

on 23 April 2025. It is seen from the order that although the applicants in the earlier bail applications were alleged to be directly involved in the assault, even in their cases, the Coordinate Bench found that no specific individual role was assigned in the FIR. The present applicant, as per the FIR and supporting material, is shown to be standing across the road, and has not been specifically identified to have taken part in the attack. It is also not the case of the prosecution that the applicant was carrying any weapon or caused any injury.

6. It is well settled that in a bail application, the nature of the allegations, the specific role attributed to the accused, and the parity with similarly placed co-accused are relevant considerations. In the present case, the prosecution itself has stated that the applicant was standing across the road and was unnamed in the FIR. On the other hand, the co-accused who were released on bail were also part of the same group mentioned in the FIR. Thus, on the ground of parity, and considering the absence of any specific overt act, the applicant deserves to be granted bail.

7. Hence, following order:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on bail in connection with Crime Register No.193 of 2023 registered with Hill Line Police Station for offences punishable under Sections 302, 307, 120B, 201, 143, 145, 147, 148, and 149 of IPC and Sections 37(1) and 134 of the Maharashtra Police Act, upon furnishing a personal bond of Rs.25,000/- (Rupees

Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- i) Before his actual release from jail, applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the Trial Court;
- ii) After his release from jail, applicant shall report to the Investigating Officer as and when called for;
- iii) Applicant shall attend the Trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said months falls on a holiday and/or non Court working day, the applicant shall mark presence on the next working day;
- iv) Applicant 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;
- v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and
- vii) In case of any infraction of the above conditions and/or two consecutive defaults in marking his attendance before the Trial

Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

9. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)