Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1961 OF 2025

SHABNOOR AYUB PATHAN
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Date: 2025.07.04 17:16:10 +0530

Prakash Narayan Mohite … Applicant
V/s.
State of Maharashtra … Respondent

WITH
BAIL APPLICATION NO. 1943 OF 2025

Pramodkumar Ram Naresh Yadav … Applicant
V/s.
State of Maharashtra … Respondent

Mr. Amit A. Mane, for the Applicant in BA/1961/2025.

Ms. Iraa Dube Patil a/w Ramesh Dube Patil i/b Jay & Co. for the Applicant in BA/1943/2025.

Mrs. Mahalxmi Ganapathy, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2025

P.C.:

1. These bail applications are filed by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking their release on bail in connection with Crime Register No.0780 of 2024, registered with Chitalsar Manpada Police Station. The applicants are facing allegations for the offences punishable under Sections 103(1), 212, and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the case of the prosecution, the Chitalsar Manpada Police received information from a watchman of a society, based on which the FIR was registered. Upon reaching Building No. 2 at Jay Bhavani Nagar, the police found an unknown person in an unconscious condition with visible injuries on the 23rd floor. Bloodstains were found on the floor and side wall, suggesting either a fall from height or an incident of physical assault. The injured person was shifted to the hospital, where he was declared dead. During the course of investigation, the deceased was identified as one Prathamesh Chavan.

3. It further came to light that there had been past instances of theft in the MMRDA Building No. 2, due to which the security staff had remained alert. On the date of incident, the watchmen allegedly saw the deceased on the 23rd floor and suspected him to be a thief. Two watchmen are said to have caught him and called two more for assistance. It is alleged that the four of them assaulted the deceased with force, due to which he sustained severe injuries and later succumbed to the same. After the incident, the accused persons fled from the spot. Based on these allegations, the applicants were arrested. Their applications for bail before the Sessions Court were rejected, and hence they have approached this Court under Section 483 of BNSS.

4. Learned Advocate appearing for the applicants has submitted that the entire case of the prosecution is based on circumstantial evidence. According to the statements of the witnesses, the applicants were working as security guards at an under-construction site. It is the prosecution's allegation that the

deceased was a suspected thief and that he was beaten up by multiple persons. The nature of the injuries appears to be caused by wooden sticks and fist blows. The learned Advocate submits that there is no clear and specific attribution of individual role to the present applicants, and that the chain of circumstances is not complete.

5. It is further submitted that apart from the statement of the Manager—who claims that he received a phone call from one Pramod Kumar—there is no direct evidence linking the applicants to the act of beating. The applicants have no past criminal record, and they have been in custody since 2nd September 2024. On these grounds, prayer is made to release them on bail.

6. Per contra, the learned APP has strongly opposed the grant of bail. It is submitted that the Post Mortem Report clearly shows that the deceased had suffered 15 external injuries. Cause of death is stated to be trauma caused due to a violent assault. Furthermore, one iron rope and an iron rod were recovered from the possession of one of the accused, Gangaram. The learned APP submits that the gravity of the offence is serious, and the applicants were involved in the brutal beating of the deceased, who later died. Therefore, it is urged that the applicants should not be released on bail at this stage.

7. I have considered the submissions of the learned Advocates for the applicants and the learned APP, and also perused the material placed on record. It is not in dispute that the incident occurred in the backdrop of past thefts in the building premises,

and the deceased was suspected to be a thief by the watchmen. It also appears from the record that four persons were involved in the incident, and the specific role of each individual, including the present applicants, is not distinctly identifiable at this stage. The prosecution case, as it stands today, is based largely on statements of co-workers and circumstantial evidence.

8. The Post Mortem Report certainly shows that the deceased had suffered multiple injuries; however, the prosecution has not brought on record any eyewitness account that clearly establishes that it was these particular applicants who inflicted those specific injuries. While recovery of one iron rod and iron rope is shown from the possession of one of the accused persons, there is no recovery attributable directly to the present applicants. The statements of the Manager and the watchmen, relied upon by the prosecution, indicate that there was a scuffle in the process of apprehending a suspected thief, and it is alleged that excessive force was used. Whether the intention was to cause death, or the death occurred accidentally during the scuffle, is a matter that will require deeper scrutiny during trial.

9. Importantly, the applicants are security guards by occupation, and have no criminal antecedents. They have been in custody since 2nd September 2024, and the investigation appears to be complete. No further custodial interrogation is shown to be necessary. Continuation of their detention at this stage, particularly when trial may take considerable time, would not serve the ends of justice.

10. Considering the overall circumstances, absence of clear and specific overt acts attributed to the applicants, their clean antecedents, and period of custody already undergone, this Court is of the opinion that they are entitled to be enlarged on bail, with appropriate conditions to ensure their presence at trial.

11. Hence, the following order :

(a) The Bail Application is allowed.

(b) The applicants, shall be released on bail in connection with Crime Register No. 0780 of 2024 registered with Chitalsar Manpada Police Station for offences under Sections 103(1), 212 and 3(5) of the Bhartiya Nyaya Sanhita, upon their furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) each, 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 applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(d) The applicants shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

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

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

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

(g) The applicants shall, at the time of furnishing surety, provide their 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.

12. The Bail Applications are disposed of in above terms.

(AMIT BORKAR, J.)