

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2176 OF 2025**

Sunny Ramesh Kharwa ...Applicant
V/s.
State of Maharashtra ...Respondent

Mr. Ravi Dwivedi, *for the Applicant.*

Ms Manisha R Tidke, *APP for the State-Respondent.*

Mr. Deepak Hol (Pairavi), *attached to Dr. D.B. Marg Police Station, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 6th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.211 of 2019 dated 29th October 2019 registered with Dr. D.B.Marg Police Station, Mumbai for the offences punishable under Sections 302 and 34 of the Indian Penal Code, 1860 ('IPC').

2. The facts of the case, in brief, are that:

2.1 On 28th October 2019, the Police received an information that there was one person lying in an unconscious condition having some injuries on his body, in a passage near the bridge of the Grant Road Railway Station. Therefore, the Police went to the spot and found the said person in an injured and unconscious state. The said person was taken to the hospital by the Police where he was declared dead, resulting in the registration of the present FIR since the Police suspected that the death was unnatural.

3. While investigating the matter, the Police recorded the statements of several eye witnesses, who stated that they had seen the Applicant and others beating up the victim-deceased and thereafter dragging him towards the sky-walk of the Grant Road Railway Bridge. Hence, the Applicant and other accused were arrested on 29th October 2019.

4. The Applicant filed an application seeking bail before the Sessions Court, Mumbai but by an order dated 16th April

2025, the same came to be rejected. Hence, the Applicant is before this Court seeking the reliefs as prayed.

5. Mr. Ravi Dwivedi, learned counsel appearing for the Applicant essentially seeks bail on 2 grounds; *firstly*, on the doctrine of parity and *secondly*, on the basis of long incarceration of the Applicant.

6. To canvass his ground of parity, Mr. Dwivedi, tendered on record, an order 12th January 2021 granting bail to the co-accused, Dnyaneshwar Pawar and order dated 16th May 2025 granting bail to Vicky Pawar by the Sessions Court, Mumbai. He also placed on record order dated 11th November 2022 passed by the Co-ordinate Bench of this Court in respect of co-accused Vicky Pawar.

7. To canvass his second ground relating to long incarceration of the Applicant, he submits that the Applicant was arrested on 29th October 2019 and till date, the trial has not concluded. In these circumstances, he submits that the

having regard to the long incarceration of the Applicant, the Applicant be released on bail.

8. Ms. Manisha Tidke, learned APP representing the State, on the other hand, states that the charges are framed; as many as 10 witnesses are already examined and only 8-10 more witnesses remain to be examined and the trial is likely to conclude in foreseeable future; the offence is serious in nature, supported by direct evidence of several eye witnesses and hence, the Bail Application be rejected.

9. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

10. With reference to the first ground i.e., the doctrine of parity canvassed by the learned counsel for the Applicant is concerned, co-accused namely, Dnyaneshwar Pawar was enlarged on bail by order dated 12th January 2021 by this Court.

11. In so far as co-accused Vicky Pawar is concerned, the order dated 11th November 2022 clearly records that at that point of time, even the charge was not framed *albeit* this Court had directed the Trial Court to frame charges within a period of three months and conclude the trial within a period of one year from that date, i.e., 11th November 2022. However, this Court recorded its disinclination to entertain the bail application of Vicky Pawar on merits. Thereafter, the Sessions Court granted bail to Vicky Pawar by order dated 16th May 2025 on the principle of parity with Dnyaneshwar Pawar.

12. I have perused the statements of various eye witnesses. A plain perusal of the said statements indicate that all of them saw the Applicant beating up the deceased and dragging him on the sky-walk of the Grant Road Station Railway Bridge. Thereafter, the victim succumbed to his injuries. The other material on record as well, *prima facie*, indicates complicity of the Applicant in the offence as alleged against him. The

offence is serious in nature and the nature of evidence against the Applicant is direct in nature.

13. Be that as it may, the Supreme Court in its decision in the matter of *X v. State of Rajasthan & Anr.*¹ has observed in paragraph 16 as under:

“16.Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

14. Ms. Manisha Tidke, learned APP representing the State, submitted that the prosecution intends to examine only 8-10 more witnesses having already examined as many as 10 witnesses. Although, the trial is not concluded within a period

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of one year as stipulated in order dated 11th November 2022, the present position is that the trial is at its fag end. Hence, I am not inclined to grant bail to the Applicant at this stage.

15. In view of the aforesaid, the Bail Application is rejected.

16. Needless to state that the trial Court is directed to expedite the trial and conclude the same within a period of 6 months from the date on which this order is placed before it.

(Dr. Neela Gokhale, J)

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