

Shabnoor

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

BAIL APPLICATION NO. 2455 OF 2025

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Parvesh Bansraj Singh

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Ashley Cusher, for the applicant.

Mr. Prasanna P. Malshe, APP for the State – respondent.

Mr. K. K. Shaikh, PSI, Ulhasnagar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2025

P.C.:

1. The present application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 507 of 2023 registered with Ulhasnagar Police Station. The applicant is facing charges for offences punishable under Sections 307, 302, 109, 323, 504, and 506, read with Section 34 of the Indian Penal Code, 1860, as well as under Sections 37(1) and 135 of the Maharashtra Police Act.

2. The prosecution case, in brief, is that the matter relates to the alleged murder of one Pradeep Rambabu Verma, aged 22 years. As per the prosecution, on the day of the incident, the deceased Pradeep was sitting near his residence watching a video on his mobile phone. About three months prior to the incident,

there had been a quarrel between the deceased and the accused persons over a cricket match, during which heated words were exchanged. On the date of the incident, all three accused persons were present at the spot. One of them, accused Suhel Saukat Khan, is a juvenile in conflict with law. It is alleged that the said juvenile used abusive language towards the deceased. At that moment, the present applicant, accused Pravesh, allegedly instigated the juvenile by saying, "Today we will finish him." Immediately thereafter, co-accused Saddam Shaikh is stated to have caught hold of the deceased from behind, enabling the juvenile accused Suhel to stab the deceased in the stomach with a knife. The victim was rushed to the hospital but succumbed to the injuries during treatment. Before his death, a dying declaration of the victim was recorded.

3. The record further shows that the applicant had earlier approached the learned Sessions Court for bail, but the said application came to be rejected. Being aggrieved by that order, the applicant has preferred the present application before this Court.

4. Learned counsel for the applicant has submitted that the co-accused Saddam Shaikh, who allegedly held the victim from behind at the time of the incident, has already been released on bail by the learned Sessions Judge. He contends that, comparatively, the present applicant's role is only of instigation and that no overt physical act of assault has been attributed to him. It is argued that the principle of parity should be applied in favour of the applicant, particularly when the co-accused who allegedly participated in the actual physical assault has already

been granted bail.

5. On the other hand, the learned APP has opposed the application, contending that the applicant's act of exhorting the co-accused to "finish" the victim amounts to active participation in the offence. According to the prosecution, this instigation directly triggered the fatal assault, and thus the applicant's role cannot be considered minor or peripheral. It is submitted that, given the gravity of the offence and the nature of the applicant's role, this is not a fit case for granting bail.

6. I have carefully considered the submissions made on behalf of the applicant and the learned APP, as well as the material placed on record. The prosecution case rests substantially on the dying declaration of the deceased, wherein the applicant is alleged to have uttered words instigating the juvenile co-accused to "finish" the victim. It is further alleged that, acting on such instigation, the juvenile stabbed the victim, while co-accused Saddam Shaikh held the victim from behind.

7. It is not in dispute that co-accused Saddam Shaikh, who is alleged to have played a direct physical role in the assault by restraining the victim, has already been released on bail by the learned Sessions Judge. The role attributed to the present applicant is that of verbal instigation, without any overt act of physical assault. While instigation is undoubtedly a recognised form of participation in a crime, the comparative degree of involvement, when tested against that of the co-accused who physically facilitated the stabbing, assumes importance at the stage

of considering bail.

8. In the present case, I find that the applicant's role, as alleged, is limited to verbal exhortation. The principal physical acts of the assault, catching hold of the victim and stabbing him, are attributed to the co-accused Saddam Shaikh and the juvenile accused Suhel. Saddam Shaikh has already been enlarged on bail. There is no material brought before this Court to show that the applicant's criminal antecedents, though mentioned, are such as to indicate a likelihood of committing similar offences or tampering with evidence if released.

9. The trial is yet to commence, and the applicant has been in custody since his arrest. The prosecution has not shown any specific likelihood that the applicant would abscond or threaten witnesses. Any such apprehension can be addressed by imposing suitable conditions, such as regular attendance before the trial court, non-interference with the prosecution witnesses, and restriction from entering the jurisdictional limits except for attending the trial.

10. In these circumstances, having regard to the principle of parity, the comparative role of the applicant, and the settled position of law that bail is the rule and jail is the exception pending trial, I am of the opinion that the applicant has made out a case for being released on bail.

11. Hence, the following order :

- (i) The Bail Application is allowed.

(ii) The applicant, Parvesh Bansraj Singh shall be released on bail in connection with Crime Register No. 507 of 2023 registered with Ulhasnagar Police Station for offences punishable under Sections 307, 302, 109,323, 504, 506, read with 34 of IPC, and Sections 37(1), 135 of the Maharashtra Police Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(a) The applicant shall not in come in contact with the informant or any witness in any manner and shall furnish his address, identity proof, mobile number and shall report the change of address.

(b) The applicant shall give mobile number and proof of photo identity of two blood relative and report the changes if any.

(c) The applicant shall report to the Ulhasnagar Police Station, Mumbai on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(d) The applicant shall inform his place of residence and mobile number to the PSO, Ulhasnagar Police Station and report the change if any time to time.

12. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)