

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

**CRIMINAL BAIL APPLICATION NO. 2463 OF 2025**

Mr. Sameer @ Anant Jaywant Bahirat. ... Applicant.

Vs.

The State of Maharashtra ... Respondents.

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Ms. Pooja Agarwal, Advocate for the Applicant(through V.C).

Mr. A.A. Palkar, APP for Respondent/State.

Mr. Siddharth Jagushte, Advocate appointed for Respondent No. 2.

Ms. Suvarna R. Bhujbal, Respondent No. 2 present.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 26 JUNE, 2025.**

**P.C. :**

1. Heard Ms. Pooja Agarwal, learned Advocate for the Applicant.
2. Issue notice to Respondent.
3. Mr. Palkar, learned APP waives service of notice on behalf of Respondent-State and prays for two weeks' time.
4. Ms. Suvarna Bhujbal, First Informant is present in the Court. She is victim in the present case being the mother of the deceased. She states that she may be granted legal aid so as to afford a hearing in the matter.
5. Section 2(y) of Bharatiya Nagarik Suraksha Sanhita, 2023

(for short “BNSS”) reads as follows :

“2(y) "victim" means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim;”

6. The Hon’ble Supreme Court in the case of Jagjeet Singh v/s. Ashish Mishra<sup>1</sup> at paragraph 22 and 23 held as follows :

*22. This Court, in [Mallikarjun Kodagali \(Dead\) v. State of Karnataka & Ors](#)<sup>5</sup>, while dealing with questions regarding a victim’s right to file an appeal under [section 372](#) of Cr.P.C, observed that there was need to give adequate representation to victims in criminal proceedings. The Court therein affirmed the victim’s right to file an appeal against an order of acquittal. In [Mallikarjun Kodagali](#), though the Court was primarily concerned with a different legal issue, it will be fruitful in the present context to take note of some of the observations made therein:*

*“3. What follows in a trial is often secondary victimisation through repeated appearances in court in a hostile or a semi hostile environment in the courtroom. Till sometime back, secondary victimisation was in the form of aggressive and intimidating cross-examination, but a more humane interpretation of the provisions of the [Evidence Act, 1872](#) has made the trial a little less uncomfortable for the victim of an offence, particularly the victim of a sexual crime. In this regard, the judiciary has been proactive in ensuring that the rights of victims are addressed, but a lot more needs to be done. Today, the rights of an accused far outweigh the rights of the victim of an offence in many respects. There needs to be some balancing of the concerns and equalising their rights so that the criminal proceedings are fair to both. [[Girish Kumar Suneja v. CBI](#), (2017) 14 SCC 809 : (2018) 1 SCC (Cri) 202]..... xxx*

*8. The rights of victims, and indeed victimology, is an evolving jurisprudence and it is more than appropriate to move forward in a positive direction, rather than stand still or worse, take a step backward. A voice has (2019) 2 SCC 752, 3 & 8 Page 12 been given to victims of crime by Parliament and the judiciary and that voice needs to be heard, and if not already heard, it needs to be raised to a higher decibel so that it is clearly heard.” (Emphasis Supplied)*

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<sup>1</sup> (2022) 9 SCC page 321.

*23. It cannot be gainsaid that the right of a victim under the amended Cr.P.C. are substantive, enforceable, and are another facet of human rights. The victim's right, therefore, cannot be termed or construed restrictively like a brutum fulmen. We reiterate that these rights are totally independent, incomparable, and are not accessory or auxiliary to those of the State under the Cr.P.C. The presence of 'State' in the proceedings, therefore, does not tantamount to according a hearing to a 'victim' of the crime.*

7. Considering the law laid down by the Hon'ble Supreme Court, read with definition under Section 2(y) of the BNSS, Ms. Suvarna Bhujbal being the victim, she would be entitled to an hearing in the present Applicant. Ms. Suvarna Bhujbal be joined as Respondent No. 2 in the present proceedings.

8. Ms. Pooja Agarwal seeks leave to amend the cause title to add the victim Ms. Suvarna Bhujbal as Respondent No. 2.

9. Ms. Suvarna Bhujbal seeks legal assistance. Mr. Siddharth Jagushte, who is on legal aid panel is present in the Court. At the request of the Court he has agreed to appear on behalf of the victim/informant. Ms. Bhujbal, victim agrees for the appointment of Mr. Siddharth Jagushte as her Advocate.

10. The Legal Aid Cell be informed of learned Advocate Mr. Siddharth Jagushte being appointed to appear for Respondent No.2.

11. At the request of the learned Advocate for the Respondent No. 2, list the matter on 17<sup>th</sup> July, 2025.

**(ASHWIN D. BHOBE, J.)**