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

CRIMINAL BAIL APPLICATION NO. 2509 OF 2025

Vimal Kusher Singh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Atul Kakade a/w Ms. Deepali Saudagar, Advocate for the Applicant.
Mr. A. A. Palkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th SEPTEMBER, 2025.

P.C. :

1. Heard Mr. Atul Kakade, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State-Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 63 of 2023 registered with New Panvel Police Station, Navi Mumbai for the offences punishable under Sections 302, 307 and 342 read with 34 of the Indian Penal Code, 1860 ("IPC" for short).

3. Mr. Atul Kakade, learned Advocate for the Applicant submits that the abovesaid crime is now registered as Sessions Case No. 174 of 2023 and is pending on the file of learned Additional Sessions Judge, Panvel.

4. There are 3 accused in the present crime. Applicant is Accused No. 3. Applicant was arrested on 27th March 2023 and since then he is in jail. Bail Application at Exhibit-2 filed by the Applicant in Sessions Case No. 174 of 2023 was rejected by the learned Additional Sessions Judge, Panvel by order dated 16th February 2024.

5. Case of the prosecution is that Ram Gopal Patil, a vegetable vendor was killed in an assault/fight between him and 3 accused persons. Reason for the fight was that Ram Gopal Patil questioned Accused No. 1 as to the reason of peeing in an open place of the colony. Said question resulted in an altercation and thereafter in an assault. Ram Gopal Patil succumbed to the injuries after 88 days from the date of assault.

6. Mr. Atul Kakade, learned Advocate for the Applicant submits that the Applicant has been falsely implicated in the present crime. He submits that the incident, as alleged against the Applicant, is an incident, which happened at the spur of moment. He submits that the prosecution witnesses, who are claimed to be the eye witnesses, have referred to the role of all the 3 accused persons. He submits that the eye witness Mr. Satyam Dahiya has specifically referred to Ram Gopal Patil being assaulted by the Applicant by fist and blows. He submits that Accused No. 1 is alleged to have hit/assaulted the deceased by stones. He submits that though the Applicants arrested in the year 2023, till date charge is not framed. He submits that the Applicant has been denied of his right of speedy trial. He submits that on identical facts, Accused No. 2 has been released on bail by this Court vide order dated 10th July, 2025 passed in Criminal Bail Application No. 2702 of 2025.

7. Mr. A. A. Palkar, learned APP for the State submits that the involvement of the Applicant in the present crime is similar and identical to the involvement of Suraj Jayant Sharma (Accused No.2) in the said crime.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Nature of allegations against the Applicant indicates that the incident of assault happened at the spur of moment. Apparently, the altercation sparked the assault. The material on record does not indicate any premeditated act on the part of Applicant. Mr. Atul Kakade has submitted that one eye witness, i.e., Mr. Satyam Dahiya has assigned the roles of all the 3 accused persons in the present crime. He points out to the statement of said eye witness, wherein the Applicant and Accused No.2 are said to have assaulted Ram Gopal Patil by fist and blows whereas the assault by the stones is assigned to Accused No. 1. One out of the 3 eye witnesses has not even referred / identified the Applicant. Ram Gopal Patil succumbed to the injuries after 88 days of the incident. Accused No.2 on identical allegations is released on bail by this Court by order dated 10th July, 2025 passed in Criminal Bail Application No. 2702 of 2025.

10. In view of the aforesaid circumstances, detention of the Applicant in jail pending the trial, is not warranted. Even otherwise till date the charge in the said crime is not framed. Applicant is therefore entitled for bail.

11. Apprehension of Mr. A. A. Palkar, learned APP with regards to the Applicant will not face trial and flee away, can be taken care by imposing stringent conditions on the Applicant.

12. Mr. Atul Kakade, learned Advocate submits that he has specific instructions from the Applicant to state that in the event of indulgence being shown to the Applicant in the present Application, then the Applicant will abide by all conditions that may be imposed by this Court.

13. In view of the above, the present Bail Application is allowed on the following conditions:-

(a) Applicant is directed to be released on bail in connection with Crime No. 63 of 2023 registered with New Panvel Police Station, Navi Mumbai for the offences punishable under Sections 302, 307 and 342 read with 34 of the IPC on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with two local sureties in the like amount to the satisfaction of the Additional Sessions Judge, Panvel.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.

(c) Applicant shall not tamper with the prosecution witnesses and evidence in any manner.

(d) Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 174 of 2023, pending on the file of Additional Sessions Judge, Panvel, on each and every date, unless exempted from appearance.

(e) Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, New Panvel Police Station, Navi Mumbai and shall keep the same updated, in case of any change thereto.

(f) Applicant shall report to the Investigating Officer, New Panvel Police Station, Navi Mumbai on 1 and 3 Saturday of every month from 10.00 a.m. to 1.00 p.m. till framing of the charge.

14. Criminal Bail Application No. 2509 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)