

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2702 OF 2025

Suraj Jayant Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tukaram Shendge (Appointed Advocate through Legal-aid), learned Advocate for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

API Mr. Gaurav Ingole attached to Panvel Taluka Police Station, Navi Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 10th JULY 2025.

P.C. :

1. Heard Mr. Tukaram Shendge, learned Advocate for the Applicant and Mr. Pandurang Gaikwad, learned A.P.P. 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. Tukaram Shendge, 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. 2. Applicant was arrested on 25th 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. Tukaram Shendge, 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 Applicant was 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.

7. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent submits that the involvement of Applicant in the present crime is evident from the material, which is come on record. He submits that there are 3 eye witnesses to the crime out of which 2 witnesses have named the Applicant in the said crime. He submits that Mr. Satyam Dahiya refers to the Applicant having participated in the assault by fist and blows. He submits that the Applicant has been identified in the Test Identification Parade. He submits that though the charge is not framed, it is only 2 years since the commission of crime. He submits that the Applicant after commission of the offence fled to his native place at Uttar Pradesh and therefore, he submits that in the event the Applicant is released on bail, there is no possibility of Applicant facing trial.

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. Tukaram Shendge 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 is 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.

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. Pandurang Gaikwad, learned A.P.P. 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. Tukaram Shendge, 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 1st and 3rd Saturday of every month from 10.00 a.m. to 1.00 p.m. till framing of the charge.

14. Criminal Bail Application No. 2702 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
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KOTAWADEKAR
Date:
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