

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2854 OF 2025**

1. Avdhesh Kedarnath Chauhan
2. Sunitadevi Avdhesh ChauhanApplicants

Versus

The State of MaharashtraRespondents

Mr. Nitin H Sejpal, *with Pooja N Sejpal and Siddharth S Gharat, for the Applicants.*

Ms Anuja Sunil Gotad, *APP for the State-Respondent.*

CORAM Dr. Neela Gokhale, J.
DATED: 14th October 2025

PC:-

1. The Applicants seek their release on bail in connection with FIR No.149 of 2025 dated 3rd March 2025 registered with the Tulinj Police Station, Mira-Bhayandar, Vasai-Virar for the offences punishable under Sections 103(1), 115, 351, 352, 189(2), 189(4), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita ('BNS'), 2023.

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

2.1 On 2nd March 2025, the Complainant and few of his friends decided to celebrate the birthday of one of them. So they went to each other's houses to gather and meet at the venue. At 11.30 p.m. while the Complainant and his friends were riding their motor-cycles and going towards the Mochipada corner, near Santosh Bhavan, co-accused namely, Kaushik Chauhan and Ajay Chauhan intercepted them. The motor cycle of the co-accused dashed that of the complainant, resulting in some skirmish. The verbal spat turned into a physical altercation and the parties started abusing each other. It appears that the co-accused were residents of the area where the skirmish happened and hence, hearing the loud arguments of the co-accused and the complainant and his friends, the Applicant No.1 and his wife, Applicant No.2, i.e., Kaushik's parents, came running on the road and also started abusing the Complainant and his friends, including the deceased. Some other persons in the vicinity intervened and de-escalated the heated quarrel. Thereafter, it appears that said Kaushik Chavan, unwilling to drop the issue, came out of

his house carrying an iron rod in his hand and hit the deceased on his head, thereby injuring him. The deceased thereafter, succumbed to injuries. Thus, a complaint was filed pursuant to which the FIR was registered.

3. The Applicants made a bail application before the Additional Sessions Judge, Vasai but by order dated 8th July 2025, the same came to be rejected. Hence, the Applicants are before this Court seeking the reliefs as prayed.

4. Mr. Nitin Sejpal, learned counsel appearing for the Applicants, submits that the present Applicants are the parents of the main accused namely Kaushik. The only role attributed to the present Applicants is that they hit the deceased and one of his friends with their hands. They were arrested on 3rd March 2025. Charge-sheet is filed but the charges are not framed, as yet. He submits that the Applicants have not committed any offence much less the offence as alleged against them. Hence, he prays that the Applicants be released on bail.

5. Ms. Anuja Gotad, learned APP representing the State, resists the Bail Application. She submits that investigation is underway and the charges are likely to be framed soon. She submits that the entire thrashing was collectively given by all the co-accused and all the accused are liable to be punished. Hence, the Bail Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. A plain reading of the FIR clearly indicates that the role attributed to the Applicants is limited to slapping and beating the deceased and one of his friends with their hands. In fact, the other residents of the area intervened and separated the quarreling parties and the Applicant and his wife returned home.

8. In these circumstances, it *prima facie* appears that the present Applicants are not involved in causing death of the

deceased. They have suffered incarceration for about 6 months; charge-sheet is already filed and no purpose will be served by their continued incarceration. Admittedly, the Applicants have no antecedents. In these circumstances, I am inclined to grant bail to the present Applicants and it is ordered as under:

ORDER

- i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- each with one or two local sureties in the like amount;
- ii) The Applicants shall also attend the concerned Police Station once in a month on the first Saturday of every month between 11:00 a.m. to 02:00 p.m. till the charges are framed;
- iii) The Applicants shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicants have not deposited their passports, they shall deposit the same with the concerned Police Station, if any;

v) The Applicants shall not leave India, without the permission of the Trial Court;

vi) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicants shall inform their latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicants to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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