

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2878 OF 2025**

Vijay Ishwar Sarvan ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Diwakar Singh *a/w Kajal Singh and Himanshu Mishra, for the Applicant.*

Ms. Manisha Tidke, *APP for the State-Respondent.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 1ST DECEMBER 2025**

PC:-

1. Despite the direction to the Registry to place the proceedings of the file before the Court today, the Registry has yet failed to place the papers of the present Application before the Court. Hence, I was constrained to take an additional copy from the Applicant and I proceeded to hear the matter.

2. The Applicant seeks his release on bail in connection with FIR No. 23 of 2025 dated 20th January 2025 registered with Kanjurmarg Police Station for the offence 103 (1) of the

3. It appears that the deceased, who is the cousin of the Applicant, had gone in the engagement ceremony of a family member of the Applicant and had misbehaved in a highly inebriated condition. The family members of the Applicant were annoyed and dissatisfied with the deceased. It further appears that one Rohit Chandaliya and Sagar Piwal have bludgeoned the victim to death and left his body near Kanjurmarg railway station.

4. The police were informed and upon investigation, the police arrested Rohit Chandaliya and Sagar Piwal and the present Applicant in January 2025. The FIR was registered in respect of the said incident.

5. The Applicant made a bail application before the Sessions Court, Greater Bombay. However, by order dated 12th June 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

6. Mr. Diwakar Singh, learned counsel for the Applicant, submits that there is no material on record to connect the present Applicant with the offence. He has pointed out to the CCTV footage panchnama, which clearly records that it is the co-accused-Rohit Chandaliya and Sagar Piwal who were seen taking the deceased to the said place and leaving his body there. The cause of death of the deceased as opined by the medical officer of the Rajawadi Postmortem Centre, Ghatkopar, Mumbai is recorded as head injury leading to hemorrhage and shock. He submits that there is no material or any statement of any witness to suggest that the Applicant was *prima facie* involved in commission of the crime. He submits that the Applicant is in custody since January 2025 along with co-accused and charges are not framed yet. He thus submits that the Applicant be enlarged on bail.

7. Ms. Manisha Tidke, learned APP, submits that the prosecution case is that the present Applicant has given a contract to said Rohit and Sagar to kill the deceased and that

the Applicant is the mastermind of this offence. To canvass her said arguments, she has pointed to a statement of one Bhagatsingh @ Sanju, another relative, who stated that on 17th January 2025, i.e., one day before the offence was committed, the present Applicant had expressed his ire against the behavior of the deceased in the said engagement ceremony. She also points to the another statement of one Rihana Shaikh, who has stated that she saw the said Rohit and Sagar throwing a knife in air and also assaulting the deceased. She yet stresses that although the co-accused have seen committing the actual assault on the deceased, it is the present Applicant who has given the contract to kill the deceased.

8. Ms. Tidke has also brought to my attention the further CCTV footage which, at one point of time, shows the present Applicant following Rohit Chandaliya in one lane. Thus, she submits that the offence is serious and the Bail Application be rejected.

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

10. A plain reading of the FIR does not reflect the role of the present Applicant in commission of the crime. Undoubtedly, there are statements of witnesses who have heard the Applicant express his annoyance and irritation at the behavior of the deceased at his sister's engagement ceremony, however, that by itself, is not sufficient to *prima facie* establish the Applicant's role in the offence. None of the statements of the witnesses are consistent with the case of the prosecution that it was the present Applicant who had given the contract to kill the deceased.

11. Considering the material on record including the CCTV footage showing the co-accused-Rohit Chandaliya and Sagar Piwal dragging the deceased to the spot of its recovery as well as the statement of Rihana Shaikh, clearly revealing that she saw the co-accused actually assaulting the deceased, I am

inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;
- iii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- v) The Applicant shall not leave India, without permission of the trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and mobile contact 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 Applicant to co-operate with the conduct of the trial;

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

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

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

(Dr. Neela Gokhale, J)