

VRJ

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

BAIL APPLICATION NO.2933 OF 2025

Sachin Trambak Ambore	... Applicant
V/s.	
The State of Maharashtra	... Respondent

VAIBHAV
RAMESH
JADHAV

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Mr. Amit Icham for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

Mr. Sachin Patre, API, Ulhasnagar Police Station, Thane
is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 28, 2025

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973, whereby the applicant seeks his release on regular bail in connection with Crime No. 32 of 2022 registered with Ulhasnagar Police Station. The offences alleged are serious in nature and include Sections 302 (murder), 307 (attempt to murder), 324, 323, 143, 146, 147, 148, and 149 of the Indian Penal Code, 1860.

2. The prosecution's case, briefly stated, is that the deceased was running a small shop in Chellaram Market, Ulhasnagar, and would usually stay overnight at the shop. On the night of 21st/22nd January 2022, between 3:24 a.m. and 3:32 a.m., it is alleged that the applicant, along with co-accused persons, entered

the market with an intention to commit theft. After allegedly committing theft in one of the shops, the group is said to have encountered the deceased, who was sleeping inside his shop.

3. It is further alleged that the accused persons, including the present applicant, demanded water and tobacco bidi from the deceased. Upon his refusal, the applicant and others allegedly assaulted him with kicks, fists, and a waist belt. The injuries allegedly sustained during this incident led to the death of the deceased after about seven days. The applicant came to be arrested on 26th January 2022.

4. Learned counsel appearing for the applicant submitted that co-accused Magan has already been granted bail by this Court in Criminal Bail Application No. 1943 of 2024, vide order dated 18th June 2024. It is submitted that the role attributed to the applicant is similar in nature to that of the said co-accused Magan. Therefore, on the ground of parity, and also considering the fact that the trial has not yet commenced despite passage of more than two years, it is prayed that the applicant be enlarged on bail.

5. On the other hand, learned APP has opposed the bail application and submitted that the role of the applicant is not on the same footing as that of co-accused Magan. It is pointed out that the CCTV footage clearly shows the applicant in the company of main accused Manoj, who was allegedly carrying the waist belt used in the assault. It is, therefore, argued that the applicant had active participation in the assault which ultimately caused the death of the victim.

6. I have carefully considered the submissions advanced by both sides and perused the material placed on record. At the outset, it is to be noted that the co-accused, Magan, has already been released on bail by this Court by a reasoned order dated 18th June 2024. The prosecution has not placed any material to show that the role of the present applicant is significantly different from that of co-accused Magan so as to deny him the benefit of parity.

7. The incident, as alleged, took place in the early hours of 22nd January 2022. The role attributed to the applicant is that he, along with others, assaulted the deceased using fists, kicks, and a waist belt. It is further alleged that he was accompanying co-accused Manoj, who was carrying the waist belt. However, it is not specifically the case of the prosecution that the fatal blow was dealt by the applicant himself. There is also no recovery of any weapon from the applicant. The CCTV footage, though relied upon, does not conclusively establish individual acts of assault by each accused. The cause of death is stated to be cumulative injuries and not any singular fatal act.

8. The applicant has been in custody since 26th January 2022 and has undergone more than two and a half years of incarceration. The trial has not commenced and there is no certainty as to when the same would conclude, considering the number of witnesses and the nature of the allegations. Prolonged pre-trial detention, in such circumstances, would amount to punishment before conviction, which is impermissible in law.

9. The prosecution has fairly pointed out that the applicant has

a past criminal antecedent for an offence under Section 380 of the Indian Penal Code, relating to theft. However, the said offence was of a different nature and unconnected with the present case. Though the antecedent under Section 380 IPC is a relevant factor, it cannot be considered in isolation so as to deny bail mechanically. There is nothing to show that the applicant is a habitual offender or that he is involved in any organised criminal activity.

10. There is no material on record to suggest that the applicant is likely to abscond or tamper with the prosecution evidence. It is not the case of the prosecution that he has any prior criminal antecedents. Considering the overall facts and circumstances, particularly the ground of parity and delay in trial, I am of the view that the applicant deserves to be enlarged on bail, subject to appropriate conditions.

11. Hence, the following order is passed.

(i) The Bail Application is allowed.

(ii) The applicant Sachin Trambak Ambore is directed to be released on bail in connection with Crime No.32 of 2022 registered with Ulhasnagar Police Station, for offences punishable under Sections 302 (murder), 307 (attempt to murder), 324 (voluntarily causing hurt by dangerous weapons), 323 (voluntarily causing hurt), 143 (unlawful assembly), 146 (rioting), 147 (punishment for rioting), 148 (rioting with deadly weapons), and 149 (common object) of the Indian Penal Code, 1860, on furnishing a personal bond of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with

one or more solvent sureties in the like amount, to the satisfaction of the Trial Court.

(iii) The applicant shall report to the Ulhasnagar Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(iv) The applicant shall not tamper with the evidence or attempt to influence any witness.

(v) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

vi) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

vii) The applicant shall not indulge in any criminal activity during the pendency of the trial.

(viii) Breach of any condition shall entail cancellation of bail.

12. The bail application stands disposed of accordingly.

(AMIT BORKAR, J.)