

AGK

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

BAIL APPLICATION NO.3490 OF 2025

Ashok Suraj Thalse	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Omkar Jadhav for the applicant.

Mrs. Kranti T. Hiwrale, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2025

P.C.:

1. This is an application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in connection with Crime Register No. 732 of 2024 registered at Panvel City Police Station. The offences alleged are punishable under Sections 311, 103, and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution, the informant is a scrap dealer carrying on his business at Takka Maidan. He has three workers namely, Bablu Shaikh, Anil, and Hasan Ansari. Other scrap collectors, namely, Sushil, Kalu, Bablu, Singam, Seva, Anna, Samsher, and the deceased Ashish Singh, used to collect scrap from the Panvel area and supply it to the informant. The informant has stated that he is not aware of the full names or addresses of the said persons.

3. On 2 December 2024, at around 10.00 a.m., Bablu, Singam, and Kalu, who were friends of the deceased Ashish Singh, informed the informant that Ashish Singh was found lying unconscious on the road near Maya Bar, bleeding from his nose and mouth. The informant then directed Nilesh Pagare, Sushil, and Bablu to rush to the spot and call for an ambulance by dialling 108. The said persons took Ashish Singh to the Government Hospital, where he was admitted for treatment. The informant later learnt from a friend of the deceased that Bablu Waghmare and his associates had attempted to rob Ashish Singh, and when he resisted, they assaulted him with fists, kicks, and possibly with a weapon. Nilesh Pagare informed that the deceased had multiple injuries, including swelling on his hands and legs, and was unable to speak. He was admitted to the ICU ward. Based on these facts, the informant lodged the FIR.

4. The learned Advocate for the applicant submits that the alleged incident occurred on 2 December 2024, while the applicant was arrested on 4 December 2024. The first statement of an alleged eye-witness was recorded on 6 December 2024, wherein he stated that the deceased was assaulted with fists and blows. However, another statement recorded on 28 January 2025 attributes only slaps to the applicant. It is submitted that CCTV footage has been recovered, but the panchnama describing the footage is not on record. The prosecution attributes the use of a bamboo stick causing six contusions, resulting in death, to accused No.1. The post-mortem report also shows that the injuries were caused by accused No.1. At this stage, there is no material

indicating that the applicant shared any common intention under Section 3(5) of the BNS. Hence, it is urged that the applicant deserves to be released on regular bail.

5. On the other hand, the learned APP has opposed the bail application. She submits that the statements of two eye-witnesses recorded on 6 December 2024 and 20 January 2025 specifically attribute a role of assault to the present applicant, along with accused No.1, who used the bamboo stick. It is further contended that both the applicant and accused No.1 shared a common intention in assaulting the deceased and taking away his money. She therefore submits that the application for bail be rejected.

6. I have considered the rival submissions and perused the material on record. The FIR and the statements of witnesses indicate that the alleged incident took place on 2 December 2024. The role specifically attributed to accused No.1 is that of assaulting the deceased with a bamboo stick, which, as per the post-mortem report, resulted in six contusions and caused the death of the deceased. The material on record prima facie shows that the applicant was present at the spot, but the nature of his participation is not clearly established at this stage.

7. The statements of the eye-witnesses recorded on 6 December 2024 and 28 January 2025 are inconsistent. In one statement, the applicant is alleged to have assaulted the deceased with fists and blows, while in another, only slaps are attributed to him. There is no allegation that the applicant used any weapon. There is also no recovery made from the applicant connecting him directly to the

fatal injuries.

8. The CCTV footage, though stated to be recovered, has not been placed on record. The panchnama of the CCTV footage describing the sequence of events is also not available. In such circumstances, the exact manner of the occurrence and the applicant's specific role cannot be conclusively determined at this stage.

9. The charge-sheet has been filed. Therefore, the custodial interrogation of the applicant is no longer required. The trial is likely to take considerable time to conclude. Continued incarceration of the applicant, when the main role is attributed to accused No.1, will serve no purpose.

10. The applicant has no past criminal antecedents on record. There is nothing to show that he may abscond or tamper with prosecution evidence. The apprehension of the prosecution can be addressed by imposing suitable conditions.

11. Considering the overall circumstances, the inconsistencies in the statements of witnesses, absence of recovery from the applicant, and the completion of investigation, I am of the opinion that this is a fit case to grant regular bail to the applicant.

12. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.732 of 2024 registered with Panvel City Police Station for offences punishable under

Sections 311, 103 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 BNS, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the Panvel City Police Station once in a month, specifically on the first Monday of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(d) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(e) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

13. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)