

AGK

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

BAIL APPLICATION NO.3610 OF 2025

Biren Ramaye Devgam	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Anjali Awasthi with Mr. Aamir Khan for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Mr. V.S. Labhade, PSI, Panvel City Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 30, 2025

P.C.:

1. The present bail application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant seeks regular bail in connection with Crime Register No.459 of 2024 registered with Panvel City Police Station for offences punishable under Sections 103(1), 309(6), 311, and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution, the informant is the father of the deceased, Raju @ Asaram, who was residing in Navi Mumbai for labour work. On 12 July 2024, the informant came to know that his son was severely injured and admitted in a hospital at Panvel. On 13 July 2024, the informant reached Mumbai and found that

his son had been shifted to J.J. Hospital. Despite treatment, the deceased succumbed to injuries on 23 July 2024. During treatment, the deceased disclosed that 3–4 persons had demanded money from him. As he could not pay, they quarreled with him and assaulted him with hands, a wooden log, and an iron rod, which led to his death. On that basis, an FIR was lodged on 23 July 2024.

3. Learned counsel for the applicant argued that neither the FIR nor the statements of witnesses assign any specific role to the applicant. The prosecution case rests on circumstantial evidence. It was submitted that in the absence of direct material, the applicant deserves to be released on regular bail, more so when he has been in custody since 25 July 2025 and has no previous criminal record.

4. On the other hand, the learned APP opposed the application. It was submitted that the material on record points towards the involvement of the applicant. Considering the seriousness of the allegations, the prosecution prayed for rejection of the bail application.

5. I have considered the submissions advanced by both sides and perused the material placed on record. The FIR as well as the statements recorded do not attribute any specific overt act to the applicant. The allegations are general in nature against 3–4 unknown persons. At this stage, there is no direct evidence connecting the applicant with the alleged assault.

6. The case of the prosecution is primarily based on circumstantial material. The chain of circumstances so far brought on record does not establish the applicant's direct participation in

the offence. The absence of clear and specific allegations creates doubt regarding his involvement.

7. The applicant has been in custody since 25 July 2025. The investigation is substantially complete. The charge-sheet is filed. Therefore, further custodial interrogation of the applicant is not necessary.

8. The applicant has no criminal antecedents. There is no material to suggest that if released on bail, he will abscond or tamper with prosecution evidence. The apprehension of the prosecution can be addressed by imposing appropriate conditions.

9. The trial is likely to take considerable time. Prolonged detention of the applicant as an undertrial will not serve any fruitful purpose.

10. Considering the above factors, in my view, the applicant has made out a case for grant of regular bail.

11. 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.459 of 2024 registered with Panvel City Police Station for offences punishable under Sections 103(1), 309(6), 311, 3(5) of the BNS, upon furnishing cash bail in the amount of Rs.25,000/- (Rupees Twenty Five Thousand Only);
- iii) Within a period of eight weeks from the date of release of the applicant on regular bail, he shall furnish 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 attend each and every date before the Trial Court, unless exempted by the Trial Court.

(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.

12. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)