

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3705 OF 2025**

Devashish Jayesh Bhatt	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Dr.Pradeep Kumar L.Pardeshi i/by A Y Korde, *for the Applicant.*
Ms. Poonam P Bhosale, *APP for the Respondent - State.*
API – Pravin Bhosale, Miraroad Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 25th SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his release on bail in connection with C.R.No.369 of 2024 dated 2nd December, 2024, registered with the Miraroad Police Station, for the offences punishable under Sections 109, 118(1), 118(2), 54, 352, 351(2), 115(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 ('BNS').

2. It is the case of the prosecution that on 1st December, 2024 from 08:00 p.m. to 09:00 p.m. near Sheetal Nagar, Ganpati Mandir, Miraroad (E) there was a scuffle between the Applicant and few others. The scuffle led to a physical altercation between the Applicant and the complainant. The Applicant knifed the Complainant on his head, chin, neck and also beat up two other persons who gave their statements to the police describing the incident in detail. The co-accused Stefe is also alleged to have assaulted the complainant on his right-hand finger. The complainant/injured Rohit Poojari lodged a complaint and accordingly FIR came to be registered.

3. The Applicant filed a bail application before the Additional Sessions Judge, Thane, however, by order dated 3rd May, 2025, the said bail application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Pardeshi, learned counsel for the Applicant, at the very outset, took me through the CCTV footage panchanama. According to him, it was a free fight and the Applicant was defending himself while the complainant and his friends were assaulting him. He submits that he is in incarceration since 2nd December, 2024 and till date charges are not framed. He thus, submits that the trial is not likely to conclude in the foreseeable future and hence, seeks the Applicant's release on bail.

5. Per contra, Ms. Bhosale, learned APP representing the State submits that there are 3 eye witness to the present incident. She took me through the statements of the 3 eye witnesses. She also took me through the statement of the complainant recorded under Section 164 of the Cr.PC, which is also consistent with the averments made in the complaint. She also points to the injury certificate of the complainant, which records the injuries as grievous. She also submits that

the knife was recovered at the behest of the present Applicant. She thus, resists the Bail Application.

6. I have heard the learned counsels for both the parties and have gone through the record of the case with their assistance.

7. A plain reading of the CCTV panchanama clearly reveals that on 1st December, 2024 at around 21:53:10 the complainant and his friends are involved in a scuffle on the road. It is seen that both the complainant and the Applicant are hitting each other and other persons are try to pacify them. Some of the friends are seen coming at the spot of the incident and some are seen taking sides of their respective friends. It appears that it was a free fight between the parties which led to the complainant suffering the said injuries. The CCTV footage panchanama does not indicate that the present applicant deliberately and intentionally assaulted the complainant.

8. Admittedly, the Applicant was arrested on 2nd December, 2024 and has suffered incarceration for 10 months. Charges are not yet framed. The Applicant is a young man of 24 years. He is working as a gym instructor in the local gym and is the sole bread winner of his family comprising of his parents who are both senior citizens. Considering that the said incident took place in the spur of the moment, resulting from some fracas among friends and was not *prima facie* a premeditated act, I am inclined to release the Applicant on bail. Hence, I pass following order: -

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 shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) Applicant shall also attend the Mira Road Police Station once in a month between 11:00 a.m. to 02:00 p.m.;

iv) Applicant shall not enter the jurisdiction of Mira Road Police Station until the charges are framed;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

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

viii) 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;

ix) The Applicant to co-operate with the conduct of the trial;

x) 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)