

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3871 of 2025**

Balu Karbhari Abhang ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Sandeep D. Sherkhane, *for the Applicant.*
Ms. Poonam Bhosale, *APP for the State-Respondent.*
PI – Ravindra Kshirsagar, *DCB CID Unit IV, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 10th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 186 of 2024 dated 17th April 2024 registered with RAK Marg Police Station for offenses punishable under Sections 324, 323, 504, 506 and 34 of the Indian Penal Code, 1860 ('IPC'). Upon further investigation, the offenses under Sections 302, 354, 143, 147, 148 and 149 of the IPC were also added in the chargesheet.

2. There are in all 16 accused. The Applicant is accused No.4.

3. The facts of the case, in brief, are that all the accused as well as the deceased and his family were residing in the same building. It is alleged that the deceased had gone upto the terrace of the building, wearing only a towel. The residents of the society alleged that the deceased was behaving in an indecent manner. It is also alleged that the deceased behaved in similar manner on earlier occasions as well. The society residents, including the present applicant, infuriated by the promiscuous behavior of the deceased beat him up. The deceased succumbed to his injuries and hence, the present FIR was filed. The Applicant filed an application seeking bail before the Additional Sessions Judge, Greater Mumbai. However, by order dated 14th August 2025, his bail application was rejected. Hence, he is before this Court seeking the relief as prayed.

4. Mr. Sandeep Sherkhane, learned Counsel for the Applicant, states that there is no material on record to indicate that it is the Applicant who gave the fatal blow to the deceased. He submits that it was the deceased who was roaming around on the terrace only draped in a towel. It is also submitted that the residents of the society were annoyed with the indecorous behavior of the deceased, including masturbating on the open terrace, in full view of women and young girls residing in the society. Mr. Sherkhane submits that nothing is attributed to the present Applicant to suggest that it was him who dealt the final blow, resulting in the death of the deceased. He submits that the Applicant was arrested on 28th April 2024 and till date, no charges are framed. He thus submits that the Applicant be released on bail.

5. Ms. Poonam Bhosale, learned APP, draws to my attention to the statement of as many as 4 to 5 eyewitnesses, who all affirmed seeing the residents of the society, including the Applicant abusing the deceased on the terrace. The deceased's stated that the Applicant abused her father in filthy language

and also beat him up with a wooden stick. Ms. Bhosale further submits that the wooden stick is recovered from the present Applicant and the postmortem report indicates that the deceased succumbed to injuries resulting from blows given by a wooden stick. She thus resists the bail application.

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

7. I have gone through the statements of the witnesses. Save and except the statement of the deceased's daughter, none of the witnesses have seen the present Applicant beating the deceased. Undoubtedly, the postmortem report also demonstrates that he has died because of the injuries given to him by a hard and blunt object. However, a recording of the incident placed along with the charge-sheet, reveals the residents of the society beating up the deceased and abusing him. However, the present Applicant is seen to be beaten up the deceased's son. In view of the said transcript of the video,

and considering that there is no other material on record at this stage to *prima facie* point this Applicant as being the principal assailant of the deceased, I am inclined to enlarge the Applicant on bail. In any case, the Applicant was arrested on 28th April 2024 and till date, no charges are framed. It is thus, orders 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 not enter the jurisdiction of RAK Marg Police Station, especially in the premises of Sudarshan

Building, G. D. Ambekar Marg, Parel, Mumbai, till all the eyewitnesses are examined;

iv) The Applicant shall 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;

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

vi) The Applicant shall not leave India, without 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.

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

9. 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)