

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3888 of 2025**

Prakash Vikram Jadhav ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Mr. Aniket Nikam *i/b Sumit Patil, for the Applicant.*
Ms. Manisha R. Tidke, *APP for the State-Respondent.*

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

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 5 of 2025 registered with Kashimira Police Station for offences punishable under Sections 103(1), 109, 118(2), 115, 352, 191(1), 191(2), 191(3), 192, 194(1), 194(2) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, in brief, are that on 31st December 2025, at around 23.30 hours, there was New Year's celebration happening in the MHADA building which was behind the Delta Garden Building. The Applicant and his

friends were dancing to the tune of music, which was being played at the said location. There were other society members who were also celebrating the event. At that time, the Applicant's son namely Ashish Jadhav came at the spot and had an altercation with the deceased, pertaining to the operation of the sound system. This altercation turned into a physical fracas between the deceased and the Applicant's son namely Ashish Jadhav. After some time, said Ashish Jadhav left the said location but returned at 12.30 a.m. with his brother, his father i.e. the present Applicant, accompanied by other 3 to 4 persons. All these people started abusing the Applicant. Said Ashish Jadhav had a wooden log in his hand and he started beating the deceased with the wooden log. The present Applicant being the father of Ashish Jadhav i.e. the main accused tried to stop the quarrel. However, it is alleged that the Applicant also gave some fist blows to the deceased. The deceased was taken to the doctor for treatment but he succumbed to his injuries. In these circumstances, the present FIR was registered.

3. The Applicant made a bail application before the Sessions Court. However by order dated 19th July 2025, the Additional Sessions Judge, Thane, rejected his bail application. Hence, the Applicant made the present application before this Court seeking the relief as prayed.

4. Mr. Aniket Nikam, learned Counsel for the Applicant, submits that the role of the Applicant is limited to the allegation of hitting the deceased with fist. It is his son i.e. Ashish Jadhav who is alleged to have actually beaten up the deceased with a wooden log. The weapon of the injury is the wooden log and the deceased succumbed to the said injury. He also pointed to the statement of one of the witnesses, a watchman who recorded the entire incident on his mobile phone. As per the said video recording, the Applicant is seen running towards the camera. Mr. Nikam thus submits that the video recording clearly indicates that the Applicant was trying to resolve the quarrel and trying to pull his sons away from the fight. He submits the Applicant is arrested on 2nd January

2025 and till date, charges are not framed. In these circumstances, he prays that the Applicant be released on bail.

5. Ms. Manisha Tidke, learned APP, on the other hand, points to the postmortem report which clearly indicates that the cause of death was a shock and hemorrhage following craniocerebral injury due to hard and blunt trauma in an alleged case of assault by the log. She also submits that there are as many as 33 injuries on the person of the deceased and all of those are recorded as having caused by fist blows, kicks and by a blunt object. She submits that all the accused together have beaten up the deceased to death. 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 also perused the statement of the watchman who recorded the entire incident by his mobile phone. The video

recording clearly notes that this particular Applicant was running towards the camera. This perhaps indicates that the present Applicant, being the father of accused No.1 i.e. Ashish Jadhav and accused No.2 i.e. Amit Jadhav, was trying to stop the quarrel and was trying to pull his sons away from the quarrel. There are other eyewitnesses who have stated to the police that Ashish Jadhav and Amit Jadhav alias Tilya i.e. the sons of the present Applicant, gave blows by the wooden log causing maximum injuries. The Applicant is dragged into this altercation on account of his two sons who had a dispute with the deceased. In these circumstances, considering the role of this particular Applicant, which is distinct from the role of his two sons, in causing injuries to the deceased with the wooden log, I am of the view that this is a fit case to enlarge the Applicant on bail on the following conditions:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) 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;

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

viii) 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)