

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 4047 OF 2025**

Santosh Sanjay Shetty ...Applicant  
Versus  
State Of Maharashtra ...Respondent

**Mr. Dilip P. Kamath, Sagar D. Kamath, Sirajuddin Shaikh, for  
the Applicant.**

**Ms. Anuja S. Gotad, APP for the State-Respondent.**

**PI – Ahire, Pantnagar Police Station, is present.**

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**CORAM    Dr. Neela Gokhale, J.  
DATED:    6<sup>th</sup> NOVEMBER 2025**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with C.R. No. 62 of 2025 dated 27<sup>th</sup> January 2025 registered with Pantnagar Police Station, Mumbai for offences punishable under Sections 103(1), 115(2), 189(2), 190 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

**2.** The facts of the case, in brief, are that the Complainant and his son went to the Head Quarters Restaurant and Bar on 25<sup>th</sup> January 2025 to meet the Complainant’s friend namely

the Applicant herein. It is alleged that the Applicant is the owner of the Head Quarters Restaurant and Bar. The Complainant and his son waited for the Applicant to come to the restaurant. However, he was delayed. The Complainant then inquired with the manager as to when the Applicant was likely to arrive. On this ground, the manager and other waiters in the hotel started a scuffle with the Complainant and his son. In the scuffle, the Complainant's son was injured and eventually he succumbed to his injuries. The FIR was thus registered and the Applicant along with others were arrested on 27<sup>th</sup> January 2025.

**3.** The Applicant made a bail application before the Additional and Sessions Judge, Greater Bombay. However, by order dated 3<sup>rd</sup> October 2025, the application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

**4.** Mr. Dilip Kamath, learned Counsel for the Applicant, draws my attention to the statement of the Complainant,

particularly pointing to the portion recording that, it was the Applicant herein, who tried to resolve the dispute between the manager and the waiters on one side and the Complainant and his son on the other. He also points to the CCTV footage, which shows that the present Applicant had nothing in his hand, whereas the other co-accused namely Sunil Kumar Arjunram Ravani, Jakir Ahmed Jahir Aalam Ansari, Rajesh Kumar Yadav, Sohail @ Shaikh Aamin Husain, Amar Nana Patil, etc. are seen beating up the Complainant's son with hand fists, kicks, wooden sticks and Chappals. However, the Applicant herein is not seen carrying any weapon nor is seen to be kicking and beating up the Complainant's son in any manner. He also submits that it is highly likely that the Applicant will be acquitted as there is no material against him in the chargesheet. He thus submits that the Applicant be released on bail.

**5.** *Per contra*, Ms. Anuja Gotad, learned APP, submits that even though, in the CCTV footage and in the statement of the

Complainant, the role of the Applicant is not clearly delineated as a person beating up the Complainant and his son, he, being the owner of the hotel, is the main accused who provoked the manager and the other waiters to beat the Complainant and his son. She submits that the Applicant is arrested only on 25<sup>th</sup> January 2025 and the trial is likely to commence very soon. In these circumstances, she contest the Bail Application.

**6.** Heard learned Counsel for the respective parties and perused the record with their assistance.

**7.** A plain reading of the statement of the Complainant clearly reveals that it is the present Applicant who in fact, attempted to stop the quarrel and the scuffle in which the co-accused and the Complainant and his son were engaged. I have also perused the CCTV footage panchnama and statements of other witnesses. Even in the CCTV footage panchnama, the Applicant is not seen with any weapon in his hand nor is he seen beating up the Complainant and his son.

Admittedly, there are no antecedents against the Applicant. In these circumstances, *prima facie*, there is no material at this stage on record to indicate that the present Applicant is complicit in committing the said offence. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered 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 shall attend the Pantnagar Police Station, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charges are framed by the Trial Court. He shall also 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 tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) 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;

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

vii) 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)**