

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4048 OF 2025**

Babu Shankar Kunchikorve	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Ravishankar Dwivedi a/w Sainath S. Baji, Satish Shukla
and Aditya Gole, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
PI - Sangeeta Mane, Dharavi Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 06TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 64 of 2025 dated 26th January, 2025, registered with Dharavi Police Station, for the offences punishable under Sections 103(1), 61(2), 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023 ('BNS') and under Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951. In all there are four accused.

2. The facts of the present case, in brief, are that on 25th January, 2025, when the First informant had gone to visit her mother's house, her mother informed her that there had been a quarrel between the sons of the present Applicant and her brother Aditya. The First informant has stated that she convinced her brother not to carry on with his quarrel further and let sleeping dogs lie. However, later in the evening, at around 07:55 pm., when she went to visit her mother, she saw her brother sitting on the motorcycle outside the house. Once again the Kanchikorve brothers i.e. the Applicant's sons alongwith the Applicant and other unknown persons came to the house and started abusing her brother. The verbal abuse was followed by a physical altercation. The present Applicant was abusing the First informant's brother and his sons took out a knife and stabbed her brother Aditya on his face and other parts of the body. A crowd of people gathered near the brother and they all saw Rakesh and Satish, sons of the Applicant run away from the place. The First informant's brother was taken to the hospital with injuries on his face,

neck, chest, hands and stomach. Thereafter, he succumbed to his injuries. Accordingly, the FIR was registered and the accused were arrested.

3. The Applicant made bail application before the Sessions Court, Greater Bombay, however, by order dated 21st August, 2025, said application was rejected. Hence, the Applicant has made present bail application for the reliefs as prayed.

4. Mr. Dwivedi, learned counsel for the Applicant, submits that role of the Applicant is limited to that of giving abuses to the deceased. Even the statements of witnesses have narrated the incident as having seen the present Applicant hurling abuses and not in any manner assaulting the deceased. He submits that the Applicant was arrested on 26th January, 2025, and till date charges are not framed. Considering the material available on record, in all probability the Applicant is likely to be acquitted. In these circumstances, he prays that the Applicant be released on bail.

5. Per contra, Ms. Bhosale, learned APP, representing the State, submits that there was a conspiracy between the accused *inter se* to beat up the deceased and cause his death. The sons of the Applicant accompanied the Applicant and in these circumstances, the Applicant cannot be said to be innocent. She has also tendered on record a FIR bearing No.1022 of 2016 registered against the Applicant, with the Dharavi Police Station, Brihanmumbai City, for offences punishable under Sections 323, 324, 504 and 506 r/w Section 34 of the Indian Penal Code, 1860. She thus, submits that the Applicant has prior criminal antecedents of having committed offence affecting the body. In these circumstances she resists the grant of bail.

6. Heard the counsels appearing for the respective parties and perused the record with their assistance. A plain reading of the FIR and the statements of witnesses on record clearly indicate the role of the Applicant to be limited to hurling abuses. There is no material on record to indicate that

the present Applicant stabbed or caused any physical injury to the deceased. It is seen that the statements of witnesses makes it clear that it is his two sons who actually stabbed and assaulted the deceased. At this stage, *prima facie* there is no material to indicate the complicity of the Applicant in the offence. No doubt the Applicant has prior antecedent of committing an offence, concerning the body. However, the said offence is in reference to a family dispute. The Applicant is in custody since 21st January, 2025 alongwith his two sons.

7. In these circumstances, in the absence of any material available on record, at this stage, *prima facie* there is nothing to connect the Applicant with commission of the offence. Thus, I am inclined to enlarge the 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 Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

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

iv) The Applicant shall not enter the jurisdiction of the Dharavi Police Station until the statements of the eyewitnesses are recorded;

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

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 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 Police Station concerned;

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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)