

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4091 OF 2025**

Aakash Sanjay Shinde

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Siddhesh Pilankar, *for the Applicant.*

Ms. Poonam B. Bhosale, *APP for the Respondent - State.*

PI - Malhari Kokare, Vartak Nagar Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.387of 2025 dated 16th May, 2025 registered with the Vartak Nagar Police Station, for the offences punishable under Sections 103, 352, 351(3), 3(5), 249(c) and 49 of the Bhartiya Nyaya Sanhita, 2023 ('BNS'), Sections 142, 37(1) and 135 of the Maharashtra Police Act, 1951, Sections 4 and 25 of the Arms Act, 1959 and Sections 39 and 192 of the Motor Vehicles Act, 1988.

2. The facts of the present case, in brief, are that the first informant is the friend of the deceased. On 15th May, 2025 at around 07:15 p.m., near Jupiter Netralaya, Lakshmi Chirag, Thane (W), while the first informant and his friend were talking to co-accused Aryan, Tushar and the present Applicant, one person named Bhal came there. There was some quarrel amongst the said boys, leading to a scuffle. The co-accused Tushar held the deceased – Darshan from back and co-accused Aryan stabbed him with a knife on the left side of the chest. Said Darshan succumbed to his injuries. Accordingly, the Applicant and others were arrested along with the co-accused pursuant to registration of the FIR.

3. The Applicant made an Application seeking bail before the Additional Sessions Judge, Thane, however, by order dated 7th October, 2025, said bail application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Pilankar, learned counsel for the Applicant, submits that the role attributed to the present Applicant is that he was merely sitting on his scooter and after the co-accused already stabbed the deceased and the deceased was lying on the ground, he is alleged to have encouraged the co-accused to beat the deceased some more. He submits that there is no other active role attributed to the Applicant and there was no conspiracy between him and the co-accused in commission of the crime. He submits that the Applicant is 24 years of age and is the sole bread winner of his family. He also states that the Applicant was merely sitting on his scooter encouraging the co-accused to beat up the deceased and no other role is attributed to him. He thus, submits that the Applicant be released on bail.

5. Per contra, Ms. Bhosale, learned APP, representing the State, resists the bail application. She submits that this is a serious offence and has resulted in the death of a person. She submits that even though, it is the co-accused who actually

committed the overt act of stabbing the deceased nevertheless, it is the Applicant who sat on the sidelines and encouraged the co-accused in stabbing the deceased. She further points to the eye witness statement who also reiterated the narration of the said incident. She also points to the recovery panchanama recording recovery of clothes of the Applicant, whose shirt was found to have blood stains. She thus, submits that even the Applicant is complicit in the crime. She submits that there was a common intention among all the accused, in commission of the said crime. She thus, submits that the bail application be rejected.

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

7. A plain reading of the FIR clearly indicates the role of the present Applicant to be restricted to sitting on his scooter and shouting at the co-accused to continue to beat the deceased. However, the statement of the eye witness also reveals that the words of encouragement were uttered by the

Applicant after the deceased was already lying on the floor with stab wounds. *Prima facie* it appears that no overt action of actually stabbing the deceased are attributed to the present Applicant. Insofar as the blood stains on the shirt of the Applicant is concerned, it is admitted that the co-accused after stabbing the deceased sat on the motorcycle belonging to the Applicant and forced him to drive them away. Thus, *prima facie* at this stage, there is no material to indicate the actual involvement of the Applicant in commission of the said crime. The Applicant is 24 years of age and it is undesirable that he continue in custody in the company of hardened criminals. In these circumstances, I am inclined to release 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 not enter the jurisdiction of Vartak Nagar Police Station;

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

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)