

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4118 OF 2025**

1. Bhagwan Kushal Singh
2. Amar Nana Patil ...Applicants
Versus
State Of Maharashtra ...Respondent

**Mr. Jagdish Shetty, Mohammed Ayub Shaikh, for the
Applicant.**

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

PI – Ahire, Pantnagar Police Station, is present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 1ST DECEMBER 2025**

PC:-

1. As far as the Bail Application of the Applicant No.2- Amar Nana Patil is concerned, after arguing the matter for some time, when I was not inclined to grant relief to the Applicant No.2, Mr. Jagdish Shetty, learned Counsel for the Applicant No.2, on instructions, sought permission to withdraw the present Bail Application insofar as the Applicant No.2 i.e. Amar Nana Patil is concerned. Permission to withdraw is granted.

2. By this Application, the Applicant No. 1, Bhagwan Khushal Singh, seeks his enlargement on bail in connection with C.R. No. 62 of 2025 dated 27th January, 2025 registered with the Pantnagar Police Station, for the offences punishable under Sections 103(1), 115(2), 189(2), 190 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

3. The facts of the case, in brief, are that the Complainant and his son went to the Head Quarters Restaurant and Bar on 25th January 2025 to meet the Complainant’s friend one Santosh Shetty. It is alleged that said Santosh Shetty is the owner of the Head Quarters Restaurant and Bar. The Complainant and his son waited for said Santosh Shetty to come to the restaurant. However, he was delayed. The Complainant then inquired with the manager as to when he 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. An FIR was thus

registered and the Applicant along with others were arrested on 27th January 2025.

4. The present Applicant made an Application seeking bail before the learned Addl. Sessions Judge, Greater Bombay, however, by order dated 29th September 2025, the said Bail Application was rejected. Hence, the present Applicant has filed the present Bail Application for relief as prayed.

5. Mr. Jagdish Shetty, learned counsel for the Applicant, points to the recording of statement of a witnesses, wherein it is clearly stated that some waiters including the present Applicant was involved in an altercation with the deceased and his father. However, the statement reveals that it is Rajesh Kumar Harakhu Yadav who beat up the deceased with a wooden log and another accused namely, Amar Patil and Sohail @ S.K. Aamin Housain Shaikh, who assaulted the deceased with a leather belt and another with *chappals*. As far

as the present Applicant is concerned, it is alleged that he along with co-accused beat the deceased with his hands.

6. Ms. Bhosale, learned APP, representing the State, submits that the offence is serious and the name of the Applicant is also taken by eye witnesses and the Complainant. She submits that the CCTV footage also reveals that the present Applicant was beating the deceased with his hands. In these circumstances, she submits that the Bail Application be rejected.

7. I have heard learned counsels for the respective parties and perused the record with their assistance.

8. It is very clear from the statements of the eye witnesses that although the present Applicant was also assaulting the deceased, he was beating the deceased with his hands. It is the three accused namely Rajesh Kumar Harakhu Yadav, Amar Patil and Sohail @S.K. Aamin Housain Shaikh who are seen even in the CCTV footage to be beating the deceased with a

wooden log, a leather belt and *chappals*. As far as the present Applicant is concerned, he joined and was beating the deceased with his hands. The Applicant has no antecedents and is unlikely to repeat the offence. In these circumstances, considering that there is no specific role attributed to the present Applicant inasmuch as regarding beating the deceased with any weapon, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- each 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., till the charges are framed;

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

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) 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;

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

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

10. 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)