

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.4162 OF 2025

1. Puttuswami Gavi Gowda
2. Jakir Ahmed Zabir Alam Ansari
Versus
State of Maharashtra

...Applicants
...Respondent

Mr. Madan Gupta a/w Shrishti Singh and Priti Jain, *for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
PI – Ahire, Pantnagar Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 17TH NOVEMBER 2025

PC:-

1. By this Application, the Applicants seek their 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').

2. 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 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 27th January 2025.

3. The present Applicants alongwith another co-accused namely Sunil Kumar Arjunram Ravani made an Application seeking bail before the learned Addl. Sessions Judge, Greater Bombay, however, by order dated 3rd October, 2025, the said Bail Application was rejected. Hence, the Applicants namely Puttuswami Gavi Gowda and Jakir Ahmed

Zabir Alam Ansari have have filed the present Bail Application for relief as prayed.

4. Mr. Gupta, learned counsel for the Applicants, points to the recording of statement of a witness, wherein it is clearly stated that some waiters including the present Applicants were 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 Applicants are concerned, it is alleged that they beat the deceased with their hands.

5. Ms. Bhosale, learned APP, representing the State, submits that the offence is serious and the names of the Applicants are also taken by eye witnesses and the complainant. She submits that the CCTV footage also reveals that the present Applicants were beating the deceased with

their hands. In these circumstances, she submits that the Bail Application be rejected.

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

7. It is very clear from the statements of the eye witnesses that although the present Applicants were also assaulting the deceased, they were beating the deceased with their 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 Applicants are concerned, they have joined and only attempted to save themselves from being beaten up. The Applicants have no antecedents and are unlikely to repeat the offence. In these circumstances, considering that there is no specific role attributed to the present Applicants, I am inclined to enlarge the Applicants on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicants 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 Applicants shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicants 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 Applicants have not deposited their passport, if any, the Applicants shall deposit the same with the Police Station concerned;
- v) The Applicants shall not leave India, without the permission of the Trial Court;
- vi) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- vii) The Applicants shall inform their 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 Applicants to co-operate with the conduct of the trial;
- ix) 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)