

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4292 OF 2025**

Pratik Motiram Mhatre

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Abhinav J Dubey, *with Amit Tiwari and Rajlaxmi Dubey, Mridul Das, for the Applicant.*

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

Mr. Vijay D Sanap, *PSI attached to Mumbra Police Station, present.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 20TH NOVEMBER 2025**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 1144 of 2025 dated 3rd July 2025 registered with the Mumbra Police Station, Thane, for the offences punishable under Section 110 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). After investigation, Section 109 of the BNS was also added.

2. The facts of the case, as discerned from the FIR, are that:-

2.1 The First Informant himself is the Injured-Victim. While he was visiting his sister's house on 2nd July 2025, a neighbour's son, namely, the Applicant, aged about 25 years came there. He was carrying an air gun. In an error of judgment, the air gun went off and injured the First Informant on the left side of his chest. Blood started oozing out and he was taken to the hospital. He was discharged after a period of 27 days. Thereupon, he made the complaint to the Police and FIR came to be registered.

3. The Applicant made successive bail applications before the Sessions Court, Thane, but by orders dated 12th August 2025 and 6th October 2025, bail applications were rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Abhinav Dubey, learned counsel appearing for the Applicant, submits that there was no quarrel or ill feeling between the First Informant and the Applicant; the incident took place accidentally; the Applicant was simply displaying the air gun to the First Informant when it went off and hit the First Informant on his chest thereby injuring him. Undoubtedly, this is a serious injury. However, Mr. Dubey, submits that entire act was unintentional. He has also pointed out to the statements of the sister and wife of the First Informant. Their statements are also consistent with the statement given by the First Informant. Hence, he prays that bail be granted to the Applicant.

5. Ms. Poonam Bhosale, learned APP representing the State in the matter, on the other hand, submits that during the course of investigation, Section 109 of the BNS was also invoked. She submits that contrary to the averment of the Applicant that there was no quarrel between the parties, the fact that FIR is registered itself indicates otherwise. She

submits that this is a serious offence and the Applicant was well aware of the effect of firing the air gun. She thus, resists the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. A plain reading of the FIR as well as statements of witnesses, clearly indicate that although the Applicant was aware of the consequences of his act, the air gun was triggered by an accident. There does not appear to be any dispute between the parties so as to establish any motive for committing the said offence, at this stage.

8. Considering that the Applicant is in custody since July 2025 and the fact that the statements of the sister and wife of the First Informant himself indicate an error in judgment in handling the air gun by the Applicant, I am inclined to grant bail to the Applicant. Hence, the following order is passed:

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 Police Station concerned once in a month on the first Monday of every month between 11:00 a.m. to 02:00 p.m.;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;
- 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 mobile 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. The 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)

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signed by
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