

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4389 OF 2025**

Vishal Bhimrao Biradar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Gaurav Bhawnani a/w Mr. Hari Rajguru and Ms. Mayanka
S.R., *for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 26TH NOVEMBER 2025**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.414 of 2023 dated 29th September, 2023, registered with the Matunga Police Station, for the offences punishable under Sections 307, 324 and 323 read with Section 34 of the Indian Penal Code, 1860.

2. The facts of the case, in brief are that there were two groups of *mitra-mandals* in the locality. It was during the

emersion of Ganpati idols, during Anant Chaturdishi day in the year 2023, that two trucks, were simultaneously moving on the road heading towards the immersion spot. One truck was headed by the Applicant and the other by the deceased. There were some verbal spat between parties belonging to the *Mitra-Mandals*. Both the Applicant and the deceased climbed down the truck and started abusing each other. One thing led to another, and the altercation escalated in a physical scuffle. The deceased suffered a stab injury. It is alleged by the Applicant that he too, was injured in the scuffle and was stabbed by the deceased with a knife. The deceased succumbed to his injuries and the Applicant recovered after undergoing a surgery in the hospital. Accordingly, the FIR was registered on 29th September, 2023 and the Applicant was arrested on 5th October, 2023, once he was discharged from the hospital.

3. The Applicant made an Application before the Additional Sessions Judge, City Civil & Sessions Court, Gr.

Bombay, however, by order dated 3rd October, 2025, the said Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

4. Mr. Bhavnani, learned counsel for the Applicant, submits that the incident was an act of self-defense. He submits that from the date of the incident i.e. 29th September, 2023 to 5th October, 2023, the Applicant himself was in the hospital, as he had to undergo a surgery for his own stab injury. He submits that there is a cross complaint filed by the Applicant and his friends against the other group. Unfortunately, the person who received the stab injury at his hands died. He submits that the Applicant only tried to defend himself and while doing so, the deceased was stabbed. He submits that the Applicant has suffered incarceration for 2 years and 2 months and even the charges are not framed as yet. He further submits that the trial is likely to take a long time since the prosecution is yet to file the charge-sheet against the friends of the deceased in the cross complaint. In

these circumstances, he prays that the Applicant be released on bail.

5. Mr. Dabke, learned APP representing the State, submits that two eye witnesses' statements are recorded by police. The statements according to him, indicate that it was the Applicant who stabbed the deceased. He also submits that the offence is serious and the Applicant has suffered only 2 years and 2 months of incarceration which cannot be considered as long incarceration in these circumstances. He further submits that the knife is also recovered from the Applicant. In these circumstances, he prays that the Application be rejected.

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

7. A plain reading of the FIR indicates that there was a fracas between the Applicant and the deceased. The truck

carrying the Ganesh idol of one *Mitra Mandal* was headed by the Applicant and the other by the deceased. On account of some dispute between two sides, the Applicant and the deceased climbed down the truck and the fight started.. Others also joined in the melee'. Ultimately the incident of stabbing the deceased happened. Undoubtedly, the knife is recovered from the Applicant and there are statements of eye witnesses stating that they saw the Applicant stabbing the deceased. Be that as it may, there is a medical report of the applicant, from which it is clear that Applicant also suffered serious injuries and was required to be operated upon by the hospital. Considering the facts and circumstances of the case, it appears that the entire incident happened in the spur of the moment and does not appear to be a premeditated act. Considering that the Applicant has already suffered incarceration for 2 years and 2 months and there is no likelihood that the trial will not likely to conclude in the near foreseeable future, I am of the view that the Applicant deserves to be enlarged on bail.

8. In these circumstances, 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/ 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) The Applicant shall not enter the jurisdiction of Antop Hill and Sion Police Station, until the recording of depositions of key eye-witnesses;

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.

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)