

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4404 OF 2025**

Saroj Surendra Singh @ Mamata @ Babli ...Applicant
Versus
State Of Maharashtra _____ ...Respondent

Mr. Piyush Chhabria *a/w N. Asrani, for the Applicant.*
Ms. Poonam Bhosale, *APP for the State-Respondent.*
PSI – Pramod B. Patil, *Central Police Station, Thane City, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 27th NOVEMBER 2025

PC:-

1. By way of the present Application, the Applicant seeks her release on bail in connection with FIR No. 1130 of 2024 dated 29th October 2024 registered with the Central Police Station, Thane for the offences punishable under Sections 103, 109, 115(2), 352, 351(3), 189(1), 189(2), 190, 191(2) and 49 of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 37(1) and 135 of the Maharashtra Police Act, 1951 and Sections 4 and 25 of the Arms Act, 1959.

2. There are in all 11 Accused. One Accused is granted bail by this Court on the ground that he was a mere spectator; no role was attributed to him, and he was neither seen committing any offence nor involved in the CCTV footage available in the chargesheet. The present Applicant is Accused No.1.

3. The facts of the case, in brief, are that the deceased and the present Applicant were in an illicit relationship. They were all neighbours. It is alleged that the said lady influenced the other Accused and encouraged them to fight with the deceased. Accordingly, the said persons came to the house of the deceased and started abusing him. They asked him to come outside the house and when he came outside, they started beating him up with various weapons such as iron rod, knife, chopper, etc. The entire incident is captured on the CCTV, footage of which, is on record. The person with whom the present Applicant was having illicit relationship is the deceased/victim in the present matter, who succumbed to the injuries. Consequently, the FIR came to be registered.

4. The Applicant was arrested on 29th October 2024 along with other Accused. The Applicant made an application seeking bail before the Additional Sessions Judge, Kalyan. However, by order dated 6th August 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

5. Mr. Piyush Chhabria, learned Counsel for the Applicant, submits that no role is attributed to the Applicant in the commission of the said offence, save and except one stray statement of the legally wedded wife of the deceased that she heard the Applicant encourage the other Accused in beating up her husband. There is no material on record to indicate the Applicant's involvement in the said offence. In these circumstances, he submits that the Applicant deserves to be enlarged on bail.

6. Ms. Poonam Bhosale, learned APP, on the other hand, contests the Bail Application. She has brought to my notice statements of the Complainant and his wife. The Complainant

is the brother of the deceased. He has stated that the said Applicant used to live with his deceased's brother. There would be arguments between the Applicant and the deceased. The complaint once, overheard his brother confront the Applicant as to whom she had complained against him, as he was receiving calls from unknown person, giving threat to his life, if he did not leave the Applicant. She submits that the quarrels led to the serious assault on the deceased, during which he lost his life. She thus submits that the Bail Application be rejected.

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

8. Admittedly, the Applicant was present at the time of the incident. According to Ms. Bhosale, she was also heard encouraging other Accused to commit assault on the deceased. Be that as it may, save and except a stray statement that it was because of the present Applicant and her

encouragement that the co-accused have beaten the deceased to death, there is no other material on record, to indicate any active role of the present Applicant in committing the said crime. The CCTV footage also does not reveal that the present Applicant was in any way assaulting the deceased with any weapon or otherwise. The Applicant is in custody since 29th October 2024 and till date, the charges are not framed. Undoubtedly, the offence is serious, however in the absence of any *prima facie* material to deduce the actual assault by the Applicant on the deceased, her incarceration must not be continued.

9. In view of the aforesaid discussion, I am inclined to enlarge 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. she shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited her passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall not leave India, without permission of the trial Court;
- vi) The Applicant shall inform her latest place of residence and mobile 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 concerned Police Station;

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

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)