

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4435 OF 2025**

Vimal Dilip Gupta ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. S. J. Khatib, *for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
PSI – Hajare, *Dahisar Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 28th November 2025

PC:-

1. The Applicant seeks her release on bail in connection with FIR No. 320 of 2025 dated 17th April 2025 registered with the Dahisar Police Station for the offences punishable under Sections 109, 126(2), 61(1)(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

2. The facts of the case, in brief, are that the First Informant is the husband of the present Applicant. It is his allegation that there were matrimonial discord between the

parties, which led to frequent quarrels. According to the First Informant, a petition for divorce by mutual consent is pending before a Court of competent jurisdiction. However, it is the complaint of the First Informant that the Applicant threatened him and told him that she will teach him a lesson. On 17th April 2025, while the First Informant was gone out to the vegetable market, he was accosted by three people, who beat him up with a wooden stick. He sustained injuries and has procured an Injury Certificate from a private hospital. The same is annexed to the present Application. It appears from the medical certificate issued by a private hospital that, the injuries suffered by the First Informant are grievous injuries. Hence, he filed a complaint against the Applicant and consequently, the FIR was registered.

3. Mr. S. J. Khatib, learned counsel for the Applicant, submits that there is matrimonial discord between the parties and a petition for divorce by mutual consent is already pending before a court of competent jurisdiction. The Injury

Certificate is issued by the private hospital and there is none issued by any government hospital. He submits that the injuries are very minor and, in any case, there is no material on record to connect the present Applicant with the assault of the First Informant by the three persons, who are made co-accused in the said criminal case. He further submits that the Applicant is not connected in any manner with the said co-accused. The couple has a minor daughter, aged 3 years, who is presently being looked after by neighbors. Hence, he prays that the Applicant be enlarged on bail.

4. Ms. Anamika Malhotra, learned APP, contests the Bail Application. However, she fairly concedes that there is no material on record to connect the present Applicant with the three Accused who actually assaulted the First Informant. She, however, points to the disclosure statement made by the co-accused who stated that the present Applicant had arranged their stay and transportation. She thus, submits that it is likely that the present Applicant is the mastermind of the said

offence. She thus submits that the Bail Application be rejected.

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

6. A plain reading of the FIR indicates that there is matrimonial discord between the Applicant and the First Informant, and a divorce petition is also pending between the parties. There is a minor girl born out of the wedlock and presently she is being taken care by the neighbors. The Applicant is a lady and a mother, who is required take care of the minor child aged 3 years. Moreover, the disclosure statement made by the co-accused only indicates that the Applicant was acquainted with the three Accused, but there is no material on record to indicate the presence of the Applicant at the spot of the incident. The actual assault was admittedly carried out by co-accused Krishna, Suraj and

Pankaj. The Applicant is in custody since 17th April 2025, and no purpose would be served by her continued incarceration.

7. In view of the aforesaid, 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.25,000/- 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;

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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)