

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4556 OF 2025**

Sumit Kamlesh Ambhore ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Satyaram R. Gaud, *for the Applicant.*
Mr. Yogesh Y. Dabke, *APP for the State-Respondent.*
PI – Samsheer Tadavi and WPSI-Dipali Pawase, *RCF Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 8th DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 141 of 2025 dated 10th March 2025 registered with RCF Police Station, Mumbai for the offences punishable under Sections 103(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4 and 25 of the Arms Act, 1959.

2. There are in all two Accused. The Applicant is Accused No. 2. The brief facts of the case, as discerned from the FIR

are that the deceased and the two Accused were friends. On 9th March 2025, the First Informant - brother of the deceased and the deceased, went to Sadguru Hotel where they met their friend Sunny More and others. They all had liquor. Arguments arose between the First Informant and the Applicant followed by a minor altercation. Thereafter, the First Informant and the deceased returned home on their motorcycle. After some time, the deceased received a phone call on his phone from the Applicant, who called both the brothers to the Zarimari Temple at Chembur, to resolve their disputes. Accordingly, at 12:30 a.m., both brothers went to the said location. Omkar More i.e. the Accused No. 1 and other friends were present there. They tried to resolve the matter. However, one thing led to another and another altercation ensued. The deceased and his brother started to walk away. However, the Applicant called him back and while the deceased was retracing his steps, the co-accused Omkar, took out a sharp knife from his pocket and stabbed him on the left side of his chest. The First Informant tried to help him.

However, accused tried to assault him as well. The co-accused, Omkar and the Applicant fled from the spot. Vighnesh Chandel succumbed to his injuries and the FIR was registered pursuant to which, the Applicant and co-accused were arrested on 10th March 2025.

3. The Accused filed an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Judge, Greater Mumbai. However, by order dated 3rd October 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. S. R. Gaud, learned counsel for the Applicant, submits that the role attributed to the present Applicant is limited to giving abuses to the deceased and the deceased was stabbed by Omkar-the Accused NO. 1. He also submits that the Applicant, co-accused and the deceased and his brother were all friends, and the Applicant had no intent to cause his death. He also submits that the deceased himself provoked the Applicant by lightly slapping him on his cheek and because of

this provocation, the altercation ensued. Mr. Gaud also submits that the prosecution has not brought on record any material to show common intention of the parties. He also relied on the decision of this Court in the matter of ***Shahrukh Salim Tade Vs. The State of Maharashtra***¹ to canvass that when the prosecution has not been able to indicate the specific role of the Accused, bail must be granted. He also points out that in the said decision, the Applicant was in jail for 8 months, yet he was granted bail. He thus prays that that Applicant be enlarged on bail.

5. Mr. Yogesh Dabke learned APP, on the other hand, submits that both the Accused i.e. co-accused, Omkar More, as well as the present Applicant were responsible for the death of Vighnesh Chandel. He submits that it is the Applicant who along with the co-accused abused the deceased and his brother and it was the Applicant who placed the call to invite the deceased and his brother to the said location, on the pretext of resolving the disputes. He submits that there is no

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requirement of motive insofar as the offence under 103(1) is concerned. He also submits that there is an antecedent against the present Applicant in as much as, there is an offence registered against him under the Indian Penal Code, relating to bodily offences and there is also chapter case pending against him. Mr. Dabke submits that this is not a case for long incarceration as the Applicant is only arrested in March 2025, whereas the maximum punishment prescribed for the offences as alleged is life imprisonment. Hence, Mr. Dabke prays that the Bail Application be rejected.

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

7. A plain reading of the FIR indicates the complicity of both the co-accused as well as the present Applicant. After the deceased and his brother left the location, where the minor altercation initially occurred, it is the present Applicant who called the deceased on his mobile phone and invited him back

under the ruse of resolving the disputes amicably. However, when the deceased and his brother reached the location for the second time, it is this Applicant who started abusing the deceased and his brother. A fracas ensued, wherein the brothers still deemed it fit to walk away from the quarrel. While the deceased and his brother were walking away, it was once again this Applicant who called out them and asked them to return. When Vignesh turned around to return, the Applicant pretended to talk to him and stood between him and the co-accused, screening the co-accused from Vignesh's view. At this point, Omkar More, took out the knife from his pocket and stabbed the deceased in his chest.

8. It is not the case of the Applicant, that he tried to save the deceased or stop the co-accused. In fact, both ran away after committing the said offence. Thus, *prima facie*, it appears that the Applicant and co-accused had planned to call the brothers to the said location under the guise of compromise discussion and at the first opportunity assaulted

them. The Applicants role cannot be severed with that of Omkar, at this stage. Moreover, as Mr. Dabke has pointed out, the Applicant has antecedents pertaining to similar offences against the body and another chapter case registered against him.

9. As far as the decision in the case of *Sharukh Salim Tade (supra)* relied upon by Mr. Gaud is concerned, it is clearly held in that matter that the statements recorded during the investigation attribute a vague role to that Applicant and there was no specific overt act attributed to the Applicant in that case. The Applicant in that case also did not have any criminal antecedents. Thus, the facts and circumstances in the case cited by Mr. Gaud are quite distinct from the facts and circumstances in the present case. Hence, the said decision is not directly applicable to this case. In any case, there is no straight jacket formula insofar as determination of bail application is concerned. It is settled law that the issue of bail is decided on the facts and circumstances of each individual

case. This is also not a case of long incarceration as Mr. Dabke rightly contends, since the maximum punishment is life imprisonment and the Applicant is in custody only for last about 9 months.

10. The offence is serious. It has caused loss of life of another person. The attack was brazenly done by stabbing the deceased with the knife, which is the cause of death recorded in the post mortem report. At this stage, both the Applicant and co-accused seem to be responsible for the act and their roles are not severable, as far as the causing Vighnesh's death is concerned. The act also appears to be pre-meditated as both the brothers were called to a different location, under the pretext of settling the dispute, even after they left for home. In view of the aforesaid, I am not inclined to enlarge the Applicant on bail.

11. The Bail Application is rejected and accordingly disposed.

12. It is made clear that the observations in this order are limited to determination of bail and the trial court to proceed with the trial, without being influenced by the observations made in this order.

(Dr. Neela Gokhale, J)