

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4758 OF 2025

Shivam Guddu Sharma ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr. Aniket Vagal *a/w Juhi Kadu, Savvy Kolhekar, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the State-Respondent.*

PSI – Nana Landge, *Bhiwandi City Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 23rd DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 979 of 2024 dated 1st October 2024 registered with the Bhiwandi City Police Station, Mumbai for the offences punishable under Sections 333, 310(2) and 324(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959 and Section 7 of the Criminal Law (Amendment) Act, 1932.

2. There are in all 10 accused. The main Accused No.1, namely Abhishek Sambhaji Deshmukh, is granted bail.

Accused No.3 is also granted bail. The present Applicant is Accused No.5. Accused Nos. 8 to 10 are absconding. Accused Nos. 6 and 7 are juveniles.

3. The case of the prosecution, in brief, is that the First Informant/Complainant has a shop at Kamatghar selling water. On 29th September 2024 at 7:30 p.m., while the Complainant/First Informant was in his shop, he found some persons quarreling across the road. He intervened in the quarrel and tried to resolve the matter. Thereafter, on next day i.e. 30th September 2024, at around 7:00 p.m., ten persons on three motorcycles came to his shop carrying iron sickles and other rustic weapons. They entered the shop and threatened the First Informant and forcefully robbed him of Rs.8,630/-. They also stole a handbag. The First Informant's brother and sister-in-law also came to the shop at that time, they also suffered beatings by the accused. Since the First Informant and his relatives suffered injuries, the FIR was registered and the accused were arrested.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by order dated 27th November 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Aniket Vagal, learned Counsel for the Applicant, states that the main accused, whose name is recorded in the FIR, is on bail. He submits that even the Accused No.3 i.e. Kashiram Yengulwar has also been enlarged on bail by the Sessions Court. He submits that the Applicant's name does not appear in the FIR and even in the supplementary statement, there is no specific role attributed to him. He thus submits that the Applicant is innocent and this is a case of false implication. He thus prays that the Applicant be enlarged on bail.

6. Ms. Megha Bajoria, learned APP, resists the Bail Application. She points out that the Applicant's name figures in the supplementary statement. She submits that the

weapons used are dangerous weapons and the injuries caused to the First Informant and his relatives are serious. She thus prays 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. A plain reading of the FIR clearly reveals the absence of the Applicant's name. Even in the supplementary statement, although his name is taken by the First Informant, there is no specific role attributed to him. Nothing has been recovered from the present Applicant. Admittedly, there are two antecedents against the Applicant and he is on bail in the said cases. However, in the present case, there is no specific role attributed to the Applicant and the main accused i.e. Abhishek Deshmukh and Kashiram Yengulwar are already enlarged on bail by orders of the Sessions Court. Their role is of a higher degree than the role attributed to the present Applicant. In

these circumstances, on the principle of parity, 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 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 his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his 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.

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

(Dr. Neela Gokhale, J)