

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2822 OF 2025
IN
CRIMINAL APPEAL NO. 303 OF 2025

1. Ramesh Savlaram Mhatre
2. Shatrukan Suresh Mhatre ...Applicants

Versus

1. The State of Maharashtra
2. Datta Ananta Rane
3. Nana Ragho Rane
4. Jignu Ananta Rane
5. Gurunath Ananta Rane
6. Ananta Ragho Rane ...Respondents

Ms. Pushpa Ganediwala a/w Mr. Ankit B. Rathod & Mr. Anshu Agrawal, Mr. Vinod Patil, Mr. Anuj Singh & Ms. Anima Mishra i/b Mr. Umar Kazi & Ms. Sonia S. for the Applicants/Appellants.

Mr. Y.M. Nakhwa, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**
DATE : 7th OCTOBER, 2025

P.C. :

1. Heard learned Counsel for the parties.
2. By this interim application, the applicants seek suspension of their sentences and enlargement on bail, pending the hearing and final disposal of their aforesaid appeal.
3. The applicants, vide Judgment and Order dated 5th March, 2025, passed by the learned Sessions Judge, Kalyan, in Sessions Case No. 218 of 2018, have been convicted alongwith other four co-accused, for various offences punishable under Sections 302 and 307 r/w 149 of the Indian Penal Code. The applicants were also separately convicted for the other offences, however, the major sentence imposed on the applicants alongwith other co-accused was for the offence punishable under Section 302 r/w 149 of the Indian Penal Code i.e. to suffer imprisonment for life. All the sentences awarded for different offences were directed to run concurrently.

4. Learned Counsel for the applicants seeks bail on the ground of parity. She submits that identically/similarly placed co-accused Suresh Savlaram Mhatre (original accused No.1) and Jitin Suresh Mhatre (original accused No.3) have been released on bail, considering the role ascribed to them. She submits that the allegations as against the applicants are similar to that of the co-accused Suresh and Jitin, whose sentences have been suspended by this Court (Coram: Sarang V. Kotwal & Shyam C. Chandak, JJ.) vide order dated 3rd July 2025 and who have been enlarged on bail.

5. Learned Counsel for the applicants further submits that the allegations as against the applicants are also general in nature and that the applicants have not used any sharp weapons to assault the deceased - Dnyandev. She further submits that all the four witnesses have assigned a specific role to other accused i.e. Pramod Mhatre.

6. Learned APP, after going through the evidence, does not dispute the fact, that the role of the applicants is similar to that of

Suresh and Jitin i.e. the allegations are general in nature.

7. Mr. Sarda vehemently opposes the bail application. He submits that specific allegations have been made against the applicants.

8. Perused the evidence with the assistance of the learned Counsel for the respective parties. From a perusal of the evidence, *prima facie*, it appears that the incident is an outcome of a sudden quarrel. The evidence of PW-1 – Datta Rane reveals that the incident took place on 3rd March, 2018 at about 10.30 a.m. Initially, there was a quarrel between the parties. PW-1 – Datta has alleged that the applicant – Ramesh told the women with whom exchange of abuses was going on, that they were ready for a quarrel; that, at that time Suresh (on bail), Shatrukan (applicant No.2), Jitin (applicant No.3) came there; that Jitin and Suresh (both on bail) were armed with wooden logs in their hand; that Shatrukan had an iron rod in his hand; that Jitin (on bail), Suresh (on bail) and Shatrukan (applicant No.2) went near Ramesh; that Suresh, Jitin and Shatrukan started

assaulting PW-1, his father - Ananta and uncle-Dyandev (deceased) with iron rod and wooden logs; that Ramesh, Darshan and Pramod went to their Bungalow, from where Pramod brought an iron axe, Darshan an iron spade and Ramesh an iron rod; that Pramod gave two blows on the right side of the stomach of the deceased - Dnyandev and also two blows on the right side of deceased's forehead, by axe; that Darshan assaulted on the forehead and head of PW-1's father – Ananta with a spade; that Shatrukan gave a blow with an iron rod, on PW-1's head; that Ramesh assaulted on the left side of (PW-1's) stomach with an iron rod; that when his aunt-Madhuri tried to intervene in the quarrel, Ramesh pulled out bricks from a heap of the bricks collected for construction and threw the said bricks causing injury on Madhuri's waist.

9. It is alleged that thereafter, when other witnesses intervened, Jitin and Suresh (both on bail) started assaulting PW-1's brother – Gurunath on his hands, back and head; and that Shatrukan assaulted his uncle with an iron rod. As far as PW-1 to PW-4 are

concerned, all are injured eye-witnesses and all have sustained simple injuries.

10. The evidence of other witnesses is similar to that of PW-1. It appears from the evidence of the eye-witnesses that the allegations against the applicants is similar to that of Suresh and Jitin who have been enlarged on bail by this Court vide order dated 3rd July, 2025, passed in Interim Application No. 1306 of 2025 in Criminal Appeal No. 303 of 2025.

11. It is not in dispute that the applicants were on bail, pending trial and have not abused or misused the liberty granted to him.

12. Considering that the appeal is of 2025 and is not likely to be heard in the immediate near future and having regard to the role of the applicants, which is similar to that of Suresh and Jitin who have been enlarged on bail, the application is allowed and the applicants sentences are suspended and they are enlarged on bail, pending the

hearing and final disposal of their aforesaid appeal, on the following terms and conditions;

ORDER

- i) The applicant No.1 – Ramesh Savlaram Mhatre and applicant No.2 – Shatrukan Suresh Mhatre be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two local sureties in the like amount;
- ii) The applicants shall report to the trial Court, once in four months on the day/date specified by the trial Court, till their Appeal is finally disposed of;
- iii) The applicants shall keep the trial Court informed of their current addresses and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;
- iv) The applicants shall not contact any witness concerned with the case, during the said period;

v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

13. The Application is allowed in the aforesaid terms and is accordingly disposed of.

14. All concerned to act on the authenticated copy of this order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.