Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1745 OF 2026
WITH
INTERIM APPLICATION NO. 1607 OF 2026

Sunny @ Tejas Rajendra Mojad .. Applicants
Versus
The State of Maharashtra .. Respondent

.....

- Mr. Aniket Nikam a/w Ms. Abhilasha Pawar & Mr. Shivraj Dubele i/by Mr. Sumit Patil, Advocates for Applicants
- Ms. Shilpa G. Talhar, APP for State
- Mr. Hiten Shah, Advocate for Intervenor / Complainant

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P. C.:

1. Heard Mr. Nikam, learned Advocate for Applicants; Ms. Talhar, learned APP for State and Mr. Shah, learned Advocate for Intervenor / Complainant.

2. By the present Application, Applicants is seeking bail in Crime No. I-212 of 2024 registered with Bhadrakali Police Station, Dist. Nashik for the offences punishable under Sections 302, 307, 326, 324, 323, 504 and 506 of the Indian Penal Code, 1860 (for short "IPC") and Section 135 of the Maharashtra Police Act.

3. Applicant is arraigned as accused No. 2 in the present crime. The other three accused persons are released on bail. Incident in

question occurred on 14.06.2024 when three of the accused persons along with their friends were playing cricket in the open space outside the Kirana store belonging to the father of the first informant - Complainant.

4. It is the case of the first informant that the Applicant, while batting, was deliberately hitting the cricket ball which landed inside the Kirana shop and in order to save any damage to the glass jars, the deceased victim i.e. father of the first informant stepped out and had an altercation with some of the accused persons and attempted to stop them from playing cricket. The verbal altercation escalated into a full-blown fight with the intervention of the parents and other neighbors of the Applicants which is *prima faice* seen on reading the statements of the eyewitnesses which are recorded. Allegation against Applicant according to prosecution is of direct evidence in that he inflicted several blows with the cricket bat on the head and body of the deceased victim who was the owner of the Kirana shop and father of the first informant due to which he was seriously injured. The injured victim took treatment for two days but on the third day i.e. on 17.06.2024, he expired.

5. Mr. Shah, learned Advocate for the first informant would vehemently oppose bail being granted to the Applicant on the ground that he is the principal protagonist and perpetrator of the crime in

question. He would submit that if the incident in question is viewed and visualized, it would depict an inherent aggression and cruel nature of the Applicant in contemplating to kill the victim with the cricket bat, which the Applicant has fructified by landing blows with the cricket bat on the head of the victim very well knowing that such an act of the Applicant would lead to fatal consequences. He would draw my attention to the postmortem report appended at page No. 61 and would draw attention to column Nos. 17 in justifying the aforesaid submission about the injuries suffered by the deceased victim which is *prime facie* evident on the basis of direct evidence.

5.1. Next he would draw my attention to page 122 which is the weapon inspection report and contend that it is clearly identified that the weapon in the present case i.e. the cricket bat has been used to inflict the fatal blows on the victim and the same stands identified for the injuries which are suffered by the victim. He would therefore persuade the Court that Applicant's demeanor in committing the present crime should be considered by the Court and his Bail Application should be cancelled especially in view of the fact that the trial has commenced and appropriate directions be passed for expeditious disposal of the trial instead.

6. I have considered the submissions advanced by the learned Advocates appearing for the parties and their submissions have received due consideration of the Court.

7. It is *prima facie* seen that the incident in question was not a premeditated, planned or conspired incident whereby the Applicant had desired to eliminate the victim, rather the deceased victim in the present case who was injured. Hence the motive for the crime rests over here. The issue in question was with regard to the cricket ball which would disturb and cause damage inside the shop of the deceased victim and therefore, it is an unfortunate incident that the elders also joined in and instead of de-escalating the incident or issue in question, there was a free for all scuffle between the parties which escalated into the unfortunate incident in question.

8. Applicant is a young offender who is behind bars for the past more than 2 years 3 months. Charge has been framed and I am informed that the trial has commenced, but no witness has been examined till date. In that view of the matter, considering the fact that the incident in question was not premeditated, I am inclined to consider the case of the Applicant for grant of bail. The other co-accused persons have all been enlarged on bail. Hence, Applicant is granted bail on the following terms and conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with Crime No. I-212 of 2024;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from

time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

9. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

10. Bail Application is allowed and disposed of in the above terms. Interim Application No. 1607 of 2026 is also disposed of.

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.14 20:52:32 +0530