HEMANT CHANDERSEN SHIV

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3907 OF 2026

Deviprasad @ Mukesh Ramsharan Tiwari ...Applicant

V/s.

State of Maharashtra ...Respondent

Mr. Digajmaan Sudha G. Mishra with Arpit K. Ashok, Aman Saroj, Sachin Pasi, Mangesh Bhonde i/b Yashmaan Mishra from Brahmand Lexis LLP for the Applicant.
Ms. K. T. Hiwrale, APP for Respondent No.1-State.
Mr. Yogesh Tandale, PI, Andheri MIDC police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 9th OCTOBER 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. Present Application seeks release of the applicant on bail in connection with Cr. No.961 of 2026, registered with MIDC police station, Andheri (East), Mumbai for the offence punishable under Sections 109(1), 351(3), 352 and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS") and Sections 37(1) and 135 of the Maharashtra Police Act, 1951 on the report dated 27th August 2026 lodged against the applicant by the informant Bhishan Sadanand Shukla.

3. The prosecution case is that, on 26th August 2026, at about 13:30 hours, the applicant and co-accused persons assaulted the informant on account of a dispute over poor water supply. During the said incident, as alleged, accused Sunil @ Pappu Pande assaulted the informant by means of a knife and attempted to cause his murder. It is alleged that, the applicant and co-accused Amarjeet

@ Monu Pande assaulted the informant by means of stick. The applicant assaulted the brother of the informant with fist blows. As a result, the injured had suffered grievous injuries. Therefore, the aforesaid crime came to be registered and the applicant with his associates were arrested. Investigation resulted into filing of charge-sheet. The trial Court declined to release the applicant on bail. Hence, this application.

4. Ms.Hiwrale, the learned APP opposed the application and submitted that, all the accused persons had assaulted the informant with deadly weapons on vital parts of the body and caused him serious injuries. The applicant did not stop Pappu Pande (A1) when he assaulted the injured with a knife. Therefore, there is a *prima facie* case against the applicant of having committed the present crime and he may not be released on bail.

5. However, it cannot be ignored that, as alleged, the applicant had assaulted the injured only by means of stick and fist blows. The medical certificate does not indicate that the injuries caused by sticks were grievous in nature. The grievous injuries caused to the injured are attributed to Sunil @ Pappu Pande (A1). The applicant has no criminal antecedents. The applicant is not likely to abscond and tamper with the prosecution witnesses. Therefore, the applicant is entitled to be released on bail. Hence, following Order :-

(i) The applicant – Deviprasad @ Mukesh Ramsharan Tiwari be released on bail in aforesaid FIR registered with MIDC police station, Andheri (East), Mumbai, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at MIDC police station, Andheri (East), Mumbai on 1st day of a month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

Except for marking his attendance, the applicant shall not reside and enter in MIDC area, Andheri (East), Mumbai for a period of six months from the date of his release on bail.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

6. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)