

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2916 OF 2025**

Umesh Pramod Khanvilkar ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Veerdhawal Deshmukh *a/w A. Atigre, for the Applicant.*
Ms. Poonam Bhosale, *APP for the State-Respondent.*
PSI – Arjun Dandegaonkar, *Khadakpada Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 13th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 429 of 2023 dated 5th October 2023 registered with the Khadakpada Police Station, Thane City for the offence punishable under Section 307 of the Indian Penal Code, 1860 ('IPC') and Sections 4 and 25 of the Arms Act, 1959.

2. The case of the prosecution, in brief, is that the First Informant, namely Chandan, and the Applicant are friends.

Chandan is a driver and drives a white Swift Dzire car for Ola and Uber. On 3rd October 2023, Chandan's friend i.e. the Applicant asked him to accompany him to Bhaucha Dhakka at 5:00 a.m. to buy fish. On the following day i.e. on 4th October 2023, all four friends, including the Applicant and the injured traveled in Chandan's car on their way to Shahad. They decided to stop at Somnath's house. The Applicant was sitting in the rear seat of the car, while Sushil Mahanto was sitting in the passenger seat next to Chandan. All four of them drove to Shahad and thereafter, proceeded to Somnath's house. Chandan parked the car by the roadside and as Somnath was exiting the car to go to his house, the Applicant took out a pistol from his waist and was brandishing it. Chandan told him to put the pistol down. However, the Applicant aimed at Sushil, who was sitting next to him, and fired a shot. The bullet passed through Sushil's left hand and entered the left side of his neck through his mouth. Sushil was grievously injured and taken to Century Hospital for treatment. The Applicant threatened all the other friends to not tell anybody

about the incident. However, Chandan informed his father and thereafter, the FIR was registered.

3. The Applicant filed Bail Application No. 2209 of 2024 before this Court. However, the same was permitted to be withdrawn with liberty to approach the Sessions Court in view of the fact that the co-accused i.e. Somnath was enlarged on bail by the Sessions Court. The Applicant filed bail application before the Additional Sessions Judge at Kalyan. However, by order dated 1st February 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Veerdhawal Deshmukh, learned Counsel for the Applicant, submits that the Applicant is innocent and is falsely implicated. He submits that in the entire charge-sheet, there is no whiff of any motive alleged against the Applicant and this case is purely of accidental firing. He submits that even the co-accused, Somnath, who is alleged to have furnished the gun to the Applicant, is granted bail. Mr. Deshmukh also

submits that the ingredients of Section 307 of the IPC are not attracted against the Applicant since there is no intention to cause any injury. He submits that the Applicant is arrested on 5th October 2023 and till date, even charges are not framed. Hence, even on the ground of long incarceration without trial, the Applicant be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP, at the very outset, submits that there are as many as two antecedents against the Applicant, one in respect of bailable offence and one, non-bailable. She also submits that the injured victim suffered grievous injuries as the bullet entered his neck through his mouth and he could have died of the said injury. She submits that considering the seriousness of the act of the Applicant, two years of incarceration cannot be termed as long incarceration and hence, the Bail Application be rejected.

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

7. Admittedly, the injured, Sushil Mahanto, has received five injuries in the incident i.e. punctured wound on palmar aspect on left hand, punctured wound on dorsal aspect of left hand, CLW at anterior midline of tongue, loss of teeth and friction abrasion over upper lip. Out of the five injuries, four injuries are grievous in nature and all the injuries are caused by firearm. There is also a CCTV footage panchanama which records the Applicant as having shot the victim. However, admittedly there is no motive demonstrated by the prosecution at this stage. Since the Applicant has already suffered incarceration for about two and half years and till date, no charges are framed, I am inclined to enlarge the Applicant on bail considering the peculiar facts and circumstances of the present case. Accordingly, 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 Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also 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) The Applicant will not enter the territorial jurisdiction of Khadakpada Police Station, till the Trial Court records the evidence of the Complainant.

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) 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;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. 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)