

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3411 OF 2025**

Avinash Margappa Pawar	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Rajiv Patil, Senior Counsel i/by Sameer Singh, *for the Applicant.*

Ms. Anuja S. Gotad, *APP for the Respondent - State.*

PI – Samadhan Wagh, Dindoshi Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 05TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 660 of 2021 dated 12th August 2021, registered with the Dindoshi Police Station, Mumbai for the offences punishable under Sections 307, 326, 397, 143, 145, 147, 504, 506, 506 (2) and 34 of the Indian Penal Code, 1860 (for short '**IPC**'), Sections 4 and 25 of the Arms Act, 1959 and Sections 37(1)(a) read with 135 of the Maharashtra Police Act, 1951. After registration of the FIR, the victim succumbed to his injuries, hence, Section 302 of IPC was added.

2. All the other accused have been enlarged on bail. The charges have been framed and the prosecution intends to examine as many as 35 witnesses.

3. The case of the prosecution, in brief, is that there was a quarrel between two groups living in the same locality. The Applicant and his family had some enmity with the deceased, his family and friends. On 12th August 2021, there was a physical altercation between the parties wherein the Applicant along with his family members are alleged to have assaulted the deceased and his friends with wooden sticks, hockey sticks, chopper and sickle. They allegedly abused the deceased, his family members and friends and also assaulted the deceased on his head with a chopper. All the accused had the aforesaid weapons in their hands and are alleged to have beaten up the deceased, his family members and friends with said weapons. Consequently, a complaint was made to the police resulting in registration of the present FIR.

4. The Applicant made an application before the Addl. Sessions Judge, Sessions Court, Borivali Division, Dindoshi, Mumbai, however, by order dated 7th May 2025, the said application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

5. At the very outset, Mr. Rajiv Patil, learned Senior Counsel for the Applicant, tendered bail orders in respect of the six co-accused. The role of the said co-accused, according to him, is similar to the role of the present Applicant, as many of the assailants slashed and beat up the deceased and his family members with the weapons in their hands. I have gone through the said bail orders of the co-accused. This Court noticed that the co-accused have also assaulted the deceased, his family members and friends with chopper, sickle, wooden stick, etc. yet the co-accused have been enlarged on bail. Additionally, the Complainant, at the time of registration of FIR, has given a different name of the accused. However, in the supplementary statement recorded by the by the police,

the Complainant has detailed the incident and has vividly narrated the entire story. There is no explanation as to why the story was not completely given to the police at the time of registration of the FIR. Further, the charge-sheet neither include the medical reports of the deceased nor the Complainant as it is the case of the Complainant that he himself, was also assaulted by a chopper. It is also pertinent to note that the statement of the deceased while he was alive is also not recorded and if it is recorded, it does not form a part of the charge-sheet. Considering the aforesaid, especially on the principle of parity, I am inclined to enlarge the Applicant on bail. It is accordingly 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 unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall not enter the jurisdiction of Dindoshi Police Station, till the completion of trial;
- iv) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- vi) The Applicant shall not leave India, without the permission of the Trial Court;
- vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- viii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

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

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

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

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)