

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3644 OF 2025

Amit Ramnaval Gupta ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Sumit Sharma for the Applicant
Mr. H. J. Dedhia APP for the State
Mr. Kiran Surse PI. and Ms. Usha Khose, PS.I., H.B. Colony Police
Station, Mumbai. are present in person in the court.

CORAM: R. M. JOSHI, J.

DATED: 10th MARCH, 2026

PC:-

1. By this application, Applicant seeks regular bail in connection with C.R. No.300 of 2025 registered with MHB Colony, Police Station, Mumbai for the offences punishable under Sections 103, 109, 118(1), 115(2) 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 4 and 25 of the Arms Act, r/w 37(1) and 135 of the Maharashtra Police Act.

2. It is the case of the prosecution that cross First Information Reports came to be registered in respect of incident occurred on 18.05.2025 between 4:30 p.m. to 5:30 p.m. when fight took place, Ramnaval Gupta(deceased) father of the applicant and Arvind Gupta (deceased) brother of the applicant sustained serious injuries and succumbed thereto. Informant's father Amit Shaikh

also died in the said incident. Offence came to be registered on the basis of cross-information reports filed in the concerned police station. On conclusion of investigation chargesheet has been filed.

3. It is his submission that considering the fact that the father and brother of the applicant died in the said incident in question, it can be said that this is case wherein the informant's side was aggressor. without prejudiced to this and other submissions he argues that this is a case wherein the applicant can be said to have exercised his right of private defence. In this regard, he drew attention of this Court to the F.I.R. so also, the statements of eye-witnesses. According to him, having regard to the peculiar facts of the case, after filing of the chargesheet, further custody of the applicant is not necessary.

4. Learned counsel for the APP, opposed the application by contending that the fact of death of father and brother of the applicant by itself would not lead to the conclusion that the applicant there there is a case of private defence and applicant is entitled for bail. It is his submission that role of the applicant needs to be consider in the assault and *prima-facie*, it needs to be seen as to whether the plea sought to be raised by the applicant of private defence is sustainable. In this regard he made reference to the statement of eye-witness, which according to him indicates that this is not the case wherein the defence of the applicant private defence could be accepted. According to him, there is evidence in the form of CCTV footage of the incident in question, which indicates manner in which the assault was caused on the deceased which certainly could be said to have exceeded right of private

defence. In this regard, he referred to the medical evidence indicating number of injuries caused on the person of the deceased.

5. No doubt in the incident in question, a fight took place in which weapons were used and the father and brother of the applicant died. At the same time, it needs to be seen as to whether the contention of the applicant with regard to the private defence can be accepted at this stage. *Prima-facie* consideration of record indicates that there is evidence on record which indicates that deceased died on account of sustaining multiple injuries. Pertinently from the statement of witnesses it can be seen that those injuries are caused by the present applicant to the deceased. Apparently the nature of assault and injuries caused to deceased by applicant, the it cannot be said that the applicant had exercised his right of private defence but he clearly exceeded the same.

6. Having regard to the manner in which incident in question has occurred, and considerations seriousness of crime and since eye-witnesses are yet to be examined, this Court finds no reason to accept the contention of the applicant for enlargement of bail.

7. It is clarified that above observations are *prima-facie* in nature and the parties or trial court would not be bound by the same during trial.

8. Hence, Bail Application No. 3644 of 2025 stands dismissed.

(R. M. JOSHI, J.)