

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3856 OF 2025

Mr. Samir Dhawlu Taral	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Vikas Sonawale a/w Mr. Sangharsh Shalya a/w Mr. Ramesh
Golait i/by Mr. Feroz J. Shaikh, for the Applicant.
Mr. H. J. Dedhia, APP, for the Respondent - State.
Ms. Ashwini Achari, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 27th MARCH, 2026

PC:-

1. This application is heard substantially.
2. Learned Counsel for the Applicant submits that co-accused has been granted bail by this Court by the order dated 9th May 2025 passed in Criminal Bail Application No. 1177 of 2025. He drew attention of the Court to the observations made by the Court in paragraphs 4 and 6 of the said order. It is his further submission that proving to the fact that the Applicant is behind bar for a period of four years now. Even on the ground of long incarceration he is entitle to be enlarged on bail.
3. Learned APP and Learned Counsel for Respondent No.2 opposes application by pointing out that there is evidence in the form of DNA report indicating an involvement of the applicant

in this crime. It is submitted that since the said aspect was not considered by this Court while passing order dated 9th May 2025, no parity can be applied.

4. In response thereto, Learned Counsel for the applicant submits that he will place reliance on the binding precedent on this Court indicating that the medical evidence can only be considered during the trial and not at the stage of bail.

5. This Court on the face of it does not agree with the said proposition. However, since it is submitted that the binding precedent on this Court i.e. Judgment of the Hon'ble Supreme Court, if exists, will be produce for consideration, by recording *prima facie* opinion that this is not the case for grant of bail, time is granted.

6. At the request of learned Counsel for the Applicant, stand over to **1st April 2026**.

7. **Part Heard.**

(R. M. JOSHI, J.)

VDMokal/-