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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.4079 OF 2025

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Date: 2026.04.27
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Babu @ Kamlesh Gautam Gupta

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Prashant Pandey with Mr.Dinesh Jadhvani, Ridhima
Mangaonkar i/b W3 Legal LLP for the Applicant.

Mr.Mayur Sonawane, APP for the Respondent – State.

Mr.Hitendra Chavan, PSI attached to the Bhayandar Police
Station, is present in Court.

CORAM : R.M. JOSHI, J.

DATE : 24TH APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime
No.65 of 2025 registered with Bhayandar Police Station for the
offences punishable under Sections 109, 121(1), (2), 132, 3(5)
of Bhartiya Nyaya Sanhita ,2023 (BNS) read with Sections
37(1), 135 of Maharashtra Police Act.

2. In short, it is the case of the prosecution that on 14th

March, 2025 at about 6:00 p.m. an incident occurred, in which the injured, who is a police personnel, was on civil dress at the spot along with his colleague. They noticed fight between two persons. When they intervened in the fight, the present Applicant assaulted the injured with knife. According to the prosecution, he attempted to kill the injured. Offence came to be registered. The Applicant is arrested in connection with this crime. On conclusion of the investigation, chargesheet is filed.

3. Learned counsel for the Applicant submits that even if the case of the prosecution is accepted to be true, the offence under Section 109 of BNS is not been made out. To support this submission, he placed reliance on the statement of the informant, who has the witnessed the said incident. It is also argued that the giving of isolated blow which has landed on to the hands of the injured cannot be considered as an attempt to commit murder. He claims that the Applicant has no criminal history and he cannot be kept in jail by way of pre-trial sentence.

4. Learned APP opposed the application firstly contending that the police personnel is assaulted while he was

on duty. It is his further submission that there is evidence on record to show that knife injury was caused to the injured which is grievous in nature. He drew attention of the Court to the statements of the witnesses in order to argue that *prima-facie* offence is made out against the Applicant and as such is not entitled for bail.

5. *Prima-facie* perusal of the record does not indicate that the injured though is a police officer was in the uniform in order to have knowledge about the same to the Applicant. Apart from this, FIR thus itself indicates that one blow was given to the injured however, even no attempt was made to assault him thereafter. This supports the contention of the counsel for the Applicant that this could not be a case of attempt to commit murder.

6. The Applicant has no criminal history and is not flee from justice.

7. Hence the following order :-

ORDER:

a). The Application stands allowed.

b). The Applicant be enlarged on bail in connection with Crime No.65 of 2025 registered with Bhayander Police Station on furnishing PR bond of Rs.30,000/- with one surety or two sureties in the like amount to the satisfaction of the Trial Court.

c). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.

d). The Applicant not to contact any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.

8. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)