

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4360 OF 2025

Prasad Gokul Gurav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Veerdhawal Deshmukh, Ameyprasad Atigre for the Applicant.

Mr. A.S. Kapdnis, APP for the Respondent-State.

Mr. D.P. Mane PSI, Kasturba Marg Police Station.

CORAM: R. M. JOSHI, J.

DATED: 06th APRIL, 2026

PC:-

1. The applicant seeks bail in connection with CR No. 93 of 2025 for the offences punishable under Sections 109(1), 115(2), 352, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 37(A) and 135 of the Maharashtra Police Act.

2. In short, it is the case of the prosecution that on 18.02.2025 at about 10:00 p.m. incident had occurred in which the injured was abused and assaulted by the applicant

and others. There is specific allegation against the present applicant that he stabbed the injured with knife and attempted to kill him. The Supplementary statement of the informant/injured was recorded and statement of eye-witnesses were came to be recorded under Section 180 of the Bhartiya Nyaya Suraksha Sanhita, 2023. On conclusion of the investigation chargesheet came to be filed.

3. Learned counsel for the applicant submits that this is a case wherein counter reports are filed in respect of same incident. It is his submission that owing to the dispute over a cricket match, the incident in question is said to have occurred. According to him, there is material inconsistencies in the statements of injured and eye-witnesses. He drew attention of this Court to the said statements coupled with the injury certificate, which indicate according to him causing of two injuries to the informant. It is his submission that supplementary statement of the injured however shows causing of three injuries by three to him different accused persons with weapon like knife and considering actual

appearance of two injuries on his person, his statement becomes doubtful. It is also claimed that the possibility of false implication/exaggeration is not ruled out. On these amongst other submission, he seeks bail.

4. Learned APP, opposed the present application on the ground that trial has commenced. Secondly he submits that the statements of eye-witnessess indicate causing of knife injuries by applicant and one of the co-accused. It is his submission that all these defences sought to be canvassed before this Court would only be available during trial. He also opposed on this ground that applicant has criminal history and similar nature of offence charged against him in the year 2020.

5. There is no dispute about the fact that owing to the old dispute over a cricket match, the present incident is said to have occurred. Different reports came to be lodged by both sides in respect of the same incident. The previous dispute is doubled age weapon which may become cause for committing of offence so also ground for false implication/exaggeration.

6. In the present case, the informant sustained two injuries. He however, in supplementary statement specifically states about three injuries being caused to him by applicant and two co-accused. This statement is apparently inconsistent with the statement recorded at the time of registration of the First Information Report. In the First Information Report he states that only applicant causing the said injury to him, whereas, eye-witnesses claimed injuries to be caused by applicant and co-accused. Thus, there are material inconsistencies in the statement of eye-witnesses and the applicant can no doubt canvass the same, however even at this stage this Court while dealing the bail application also cannot ignore the same.

7. Insofar as the antecedents are concerned, the offence registered against the applicant is of year 2020, in which he granted bail.

8. Considering the nature of offence, so also keeping in mind the fact that owing to the pendency before the trial Court, the trial in the instant case is not likely to get over in

reasonable time, applicant is entitled for bail. Having regard to the material inconsistencies in the statements of witnesses and informant.

9. Hence, the following order:-

ORDER

- i) Application stands allowed.
- ii) In connection with CR. No. 93 of 2025 the applicant be enlarged on bail on furnishing PR Bond of Rs. 15,000/- with one surety in the like amount.
- iii) The Applicant shall attend every date of hearing before the Trial Court, unless exempted by specific order of the Trial Court.
- iv) Applicant not to contact with victim or any witness, in any manner whatsoever,
- v) The observations made in this order are *prima-facie* in nature and will not bind parties or Trial Court during trial.

(R. M. JOSHI, J.)