

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4415 OF 2025

Ritesh Kumar Ajay Chandravanshi	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Vikas Tiwari, with *Gopal Singh, i/b Rohit Gupta*, for the Applicant.
Mr. A. S. Gawai, APP for the Respondent-State.
Mr. Jitendra Kadam, PSI attached to Nehru Nagar Police Station, present.

CORAM: R. M. JOSHI, J.
DATED: 29th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No.0550 of 2024 dated 27th October 2024 registered with the Nehru Nagar Police Station, Brihanmumbai City for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. In short, it is the case of the prosecution that on 26th October 2024, an incident occurred in which the present Applicant, who used to stay along with the Informant, caused assault on her son, aged about 4 years. The allegation against the Applicant is that, he kicked the child on his stomach, and as a result of the same,

internal injuries were caused to him. The child was taken to doctor. After giving medication, he was sent back home. However, next day again, he was required to be hospitalized. He succumbed to the said internal injuries. Hence, the offence came to be registered against the Applicant pursuant to which he was arrested on 27th October 2024. On conclusion of investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submitted that the Applicant, who was aged about 19 years at the time of incident, has no criminal history behind him. It is his submission that there was no motive or intention on the part of the Applicant to kill the child aged about 4 years. According to him, there are inconsistencies in the statements of the witnesses with regard to the nature of assault caused on the child. In this regard, reference is made to the statement of eye witness to the incident, who does not claim multiple assaults being caused on the child, and a certificate issued by the doctor shows that this is a case of the deceased being punched by the Applicant in his abdomen. It is his submission that having regard to the afore-stated facts, the offence punishable under Section 103(1) of the BNS may not get attracted.

4. The learned APP opposes the Application by submitting that herein in this case, on account of the assault caused by the Applicant, a child of 4 years, has lost his life. He drew attention of the Court to the cause of death of the child, as '*shock due to blunt trauma to abdomen*'. According to him, having regard to the serious nature of crime, the Applicant is not entitled to bail.

5. *Prima-facie*, a perusal of the record does not indicate that the Applicant had any intention/motive to kill the child. Herein in this case, the Applicant, who was aged about 19 years at the time of incident, was living in a live-in relationship with the Informant, who was elder than him and having 2 children. There is nothing on record to show that there was any previous reason for the Applicant to kill the child. In such circumstances, the evidence *prima-facie* indicates that the Applicant kicked the child on his abdomen. As rightly argued on behalf of learned counsel for the Applicant that the number of fist blows given by the Applicant is not appearing from the record. In any case, the child succumbed to the said assault on account of internal injuries being caused to him. In such circumstances, this Court finds substance in the contention of learned counsel for the Applicant that the Applicant may be in a position to satisfy the Trial Court that an offence of a lesser degree than the murder might get attracted against him. Additionally, the Applicant has no criminal history, and was aged about 19 years at the relevant time. Hence, following order is passed:

ORDER

- (i) The Bail Application stands allowed in connection with C.R. No.0550 of 2024 dated 27th October 2024 registered with the Nehru Nagar Police Station, Brihanmumbai City;
- (ii) The Applicant be released on bail on furnishing PR. Bond of Rs.30,000/- with one or two local sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

(v) 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.

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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signed by
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