

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4873 OF 2025**

Divesh Santosh Sutar

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Priyanka Dubey a/w Saurabh Kamble, Utkarsh Shukla and
Hitanshi Gajaria i/by Hedgehog and Fox LLP, *for the
Applicant.*

Ms. Gauri S. Rao, *APP for the Respondent - State.*

API – Nivas Kanoje, Tarapur Police Station, present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 08TH JANUARY 2026**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 26 of 2025 dated 16th May, 2025, registered with the Tarapur Police Station, District: Palghar, for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**').

2. The case of the prosecution, in brief, is that the First Informant i.e. the father of the deceased, learnt from his wife on 16th May, 2025 at around 07:30 a.m., that his son namely, Abhishek Singh was found to be in unconscious state near the protection wall of MSEB at Ambat-Goad ground, Pasthal. They made a complaint pursuant to which, the FIR was registered.

3. Upon investigation, it was revealed that there were in all six accused plus one juvenile, who had a quarrel with the deceased, and in the quarrel they assaulted the deceased, leading to his death. Hence, all the accused, including the present Applicant, were arrested.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Palghar, however, by order dated 17th October, 2025, said application was rejected. Hence, the Applicant has filed the present application for the reliefs as prayed.

5. Ms. Dubey, learned counsel for the Applicant, draws my attention to the charge-sheet. She submits that there is no role attributed to the present Applicant in terms of beating up the deceased. She submits that there are no criminal antecedents against the present Applicant. She further submits that the Applicant is only 18 years of age and he has been falsely implicated in the present offence. Hence, she prays that the Applicant be enlarged on bail.

6. Ms. Rao, learned APP representing the State, brings to my notice a further part of the charge-sheet, which indicates presence of the Applicant at the spot of the incident. However, she fairly concedes that it does not appear in the investigation, at this stage, that the Applicant had any role in the assault. However, she submits that the investigation is underway and the Investigating Officer may file a supplementary charge-sheet in the present matter. She also concedes that there are no criminal antecedents against the present Applicant. Hence, she prays that the application be rejected.

7. I have heard learned counsel for the Applicant and perused the record of the case with their assistance.

8. The gist of the offence mentioned in the charge-sheet which is on record indicates that the co-accused namely Ketan, Vishal, Divesh, Sahil, Bhushan and Rohit are *prima facie* involved in beating up the deceased with hands, fist blows, iron pipe and stones. However, it does appear that the present Applicant is only attributed the role of failing to inform the police or the parents / family members of the deceased regarding the assault on the deceased and that his body was lying at the spot on which the deceased was found. Initially, the Applicant herein had also absconded, but somehow police were able to trace and arrest the Applicant.

9. In view of the fact that *prima facie* the role of the Applicant is only that he was present at the spot of the incident and failed to inform the police regarding the assault carried out by the co-accused, and that there are no criminal

antecedents against the Applicant, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. 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.

(DR. NEELA GOKHALE, J)