

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4936 OF 2025**

Vishal Babu Kunchikurve	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Ravi Dwivedi, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*
WPI – Sangita Mane, Dharavi Police Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 09TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 64 of 2025 dated 26th January, 2025, registered with Dharavi Police Station, for the offences punishable under Sections 103(1), 61(2), 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023 ('BNS') and under Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951. There are in all four accused. One Babu Shankar Kunchikurve and his three sons namely,

Satish, Rakesh and Vishal are involved in the present case.

Vishal is the present Applicant, who is Accused No.3.

2. The facts of the present case, in brief, are that on 25th January, 2025, when the First Informant, sister of the deceased-Aditya, had gone to visit her mother's house, her mother informed her that there had been a quarrel between her brother Aditya and the sons of Babu Shankar Kunchikurve. The First Informant stated that she convinced her brother not to carry on with his quarrel further. However, later in the evening, at around 07:55 pm., when she went to visit her mother, she saw her brother sitting on the motorcycle outside the house. At that time, the Kanchikurve brothers, along with other unknown persons, came to the house and started abusing her brother. The verbal abuse was followed by a physical altercation. The co-accused namely Rakesh and Satish, stabbed the deceased on his face and other parts of the body with a knife. A crowd gathered at the spot, and the people present witnessed Rakesh and Satish, fleeing from the

scene. The First Informant's brother was taken to the hospital with injuries on his face, neck, chest, hands and stomach. Subsequently, he succumbed to his injuries. Accordingly, the FIR was registered and the accused were arrested. Accused No.1 namely, Babu Shankar Kunchikurve was released on bail by order dated 6th November, 2025.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 2nd December, 2025, the said Application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Dwivedi, learned counsel for the Applicant, submits that the CCTV footage Panchanama clearly indicates that the present Applicant arrived at the spot of incident only after the stabbing had already taken place. He submits that the role attributed to the Applicant is limited to allegedly assisting his brothers during the assault on the deceased. The

stab injuries were inflicted by the co-accused, namely Rakesh and Satish. He submits that the Applicant was arrested on 13th February, 2025, and, till date, charges have not been framed. He submits that despite having no role attributed to the Applicant in the alleged offence, the Applicant has been incarcerated for approximately one year. He thus, prays that the Applicant be released on bail.

5. Mr. Sonavane, learned APP representing the State, brought to my attention the statements of eye witnesses, who have stated that it is the Applicant and another brother who held the deceased, while the third brother stabbed him. He further submits that one of the eye-witnesses, namely Savita Katke, a neighbor and resident of the locality, has also clearly stated that she saw the Applicant holding one of the arms of the deceased and assisting his brother in committing the said offence. Mr. Dwivedi interjects to submit that the said witness has an interest in making such a statement, as she had earlier

alleged that, during a quarrel on the earlier evening, the Kunchikurve brothers had assaulted her son.

6. Mr. Sonavane submits that this is a serious offence and one year cannot be termed as long incarceration. He thus, prays that the application be rejected.

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

8. Undoubtedly, three witnesses have deposed that the role of the present Applicant is of active involvement in the said offence. However, the CCTV footage panchanama clearly indicates that it was Rakesh and Satish who have actually committed the said offence of stabbing the deceased, and that the present Applicant came on the spot about 11 seconds after the offence was committed.

9. Considering that the Applicant is in custody since 13th February, 2025, that the charges have not been framed,

and more particularly the CCTV footage does not show the present Applicant actually stabbing the deceased, 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.50,000/ 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) The Applicant shall not enter the jurisdiction of Dharavi Police Station, till key witnesses are

examined, save and except to attend the Police Station and the Trial Court as above;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

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

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

viii) 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;

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

x) 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)