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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.910 OF 2025

Sankalp Vilas Bhatkar	...Applicant
V/s.	
State of Maharashtra	...Respondent

WITH
INTERIM APPLICATION NO.938 OF 2025
IN
CRIMINAL BAIL APPLICATION NO.910 OF 2025

Saurabh Vilas Bhatkar	...Applicant
V/s.	
State of Maharashtra	...Respondent

Mr.Nitin Sejpal with Mr.Sahir Patel for the Applicant.

Mr.Vinit Kulkarni, APP for the Respondent – State.

Mr.Madhur Shelkar (through V.C.) for the Intervenor.

CORAM : R.M. JOSHI, J.
DATE : 7TH MAY, 2026.

P.C. :-

1. Learned APP seeks leave to place on record the photocopy of the medical papers and other connected orders with regard to the statement made by the Applicant on the last date of

hearing. The set is taken on record and marked “X” collectively for identification.

2. The Applicant seeks bail in connection with Crime No.156 of 2023 registered with Kasarvadawali Police Station for the offences punishable under Sections 302,307 of the Indian Penal Code and Sections 37(1) and 135 of the Maharashtra Police Act.

3. In brief, it is the case of the prosecution that on 11th May, 2023, the present Applicant assaulted his parents with knife. In the said incident of assault, the Applicant’s mother died and the father sustained serious injuries. They were taken to hospital however, the mother of the Applicant was declared dead before admission. The father was treated and saved.

4. Learned counsel for the Applicant submits that the Applicant is seeking bail solely on the ground that at the time of commission of the crime, the Applicant was of unsound mind. To support this submission, he claims that after the arrest and on completion of the police custody, he was admitted in the Mental Hospital at Thane and was treated there. It is his submission that

the said incident indicates that at the time of commission of the crime, the Applicant was of unsound mind. To support his submission, he sought to place reliance on the medical papers. Learned counsel for the Applicant placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Chunni Bai vs. State of Chhattisgarh, 2025 SCR (Cri.) 1956.*

5. Learned APP opposed the application by contending that the Applicant is being tried before the Sessions Court and all these issues are to be raised during the trial. According to him, though it is the fact that the Applicant was admitted in the Mental Hospital, however that would not be sufficient to hold that at the time of commission of crime, he was of unsound mind, so to become a ground for grant of bail. In this regard, reference is made to the orders passed by the Magistrate while granting police remand.

6. The Applicant is claiming himself to be a person of unsound mind at the time of commission of the crime. Undisputedly, it can be a defence of Applicant / Accused during the trial. However, needless to say that there would be evidence

required to be led before the Trial Court to hold so. It is not possible for the Bail Court to record any finding in this regard. Merely because after the police remand, the Applicant was taken in Mental Hospital that it cannot be assumed that at the time of actual commission of offence, Applicant was of unsound mind as claimed. Nor this Court is permitted to record any findings which could only be recorded after evidence is led to substantiate the same.

7. This Court therefore does not wish make any observation on the issue. Consequently, the Applicant is not entitled for bail on this ground.

8. It is however, clarified that non-consideration of the said ground at this stage by this Court, would not preclude the Applicant from raising the same before the Trial Court and in case such defence is raised, it is expected that the Trial Court would deal with and decide the same in accordance with law.

9. In view of the above, the Bail Application stands dismissed.

(R.M. JOSHI, J.)