

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION 115 OF 2026

Ashok Babulal Khandelwal ... Applicant

Versus

Senior Inspector of Police & Anr. ... Respondents

Mr. M. P. Vashi & Associates, for Applicant.

Mr. Satyam Dubey, Advocate for Respondent No. 2.

Ms. Poonam Bhosale, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st APRIL, 2026

P.C. :

1. Heard Mr. M. P. Vashi learned Senior Advocate for the Applicant, Ms. P. P. Bhosale learned APP for Respondent No. 1 and Mr. M. P. Vashi learned Advocate for Respondent No. 2.

2. Through this application, the Applicant contests bail Condition No. 5 of the order dated 22.09.2025 passed by the Court of Sessions at Dindoshi (Borivali Division), Goregaon, Mumbai (hereafter "*Sessions Court*") in Bail Application (Exhibit – 3) filed

in Special SC ST Case No. 147 of 2025.

3. Material facts relevant to the present Application are that the Applicant is an accused in Crime No. 1125 of 2024 registered with Amboli Police Station, Mumbai, for offences punishable under Section 3(1)(r) and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter “Atrocities Act, 1989”). The said crime is registered as Special SC ST Case No. 147 of 2025 and is assigned to the Sessions Court.

4. The Applicant filed a Regular Bail Application (Exhibit-3) before the Sessions Court after his arrest. During the pendency of this Application, the Applicant also applied for Interim Bail (Exhibit – 5) in Special SC ST Case No. 147 of 2025.

5. By order dated 08.07.2025, the Sessions Court granted the said Interim Bail Application (Exhibit – 5). The operative part of the order dated 08.07.2025 reads as follows:

“1. Application at Exh.5 is allowed.

2. Accused be released on temporary bail on executing on

executing P. B. of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with solvent surety in the like amount, on following conditions till next date i.e. 30.07.2025.

3. Accused is directed not to misuse his liberty in any manner.”

6. By order dated 22.09.2025, the Bail Application (Exhibit – 3) was granted on the following bail condition Nos. 1 to 6:-

“1. Bail Application (Exhibit 3) in Special SC ST Case No. 147 of 2025 is hereby allowed.

2. Interim order dated 08/07/2025 passed by this Court is hereby confirmed.

3. Applicant/accused Ashok Babulal Khandelval, be released on bail on executing bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only), with surety in the like amount in Crime No. 1125 of 2024 registered with Amboli Police Station for the offences punishable under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act, 1989).

4. The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

5. The applicant/accused shall not leave India without the previous permission of the Court.

6. Bail Application (Exhibit 3) in Special SC ST Case No. 147 of 2025 stands disposed off, accordingly.”

7. The Applicant is aggrieved by Bail Condition no. 5 in the order dated 22.09.2025 (hereafter “*impugned condition*”).

8. Respondent No. 2 filed a reply on 14.02.2026 opposing this application.

9. Mr. M. P. Vashi learned Senior Advocate for the Applicant, submits that the maximum punishment for the offences charged against the Applicant in Special SC ST Case No. 147 of 2025, is up to 5 years along with a fine. He submits that there is no rational basis for imposing the impugned condition and the order granting bail does not specify what the impugned condition aims to achieve. He submits that the investigation is complete and the charge sheet has been filed. He accentuates that there is no material, much less evidence, on record to suggest that the Applicant is likely to abscond or evade trial. He submits that the Applicant and his family member have been travelling abroad regularly, either for vacation or business purposes. He submits that the Applicant is a businessman with strong roots in this country and his family resides in India. He submits that the Applicant's permanent residential address is recorded in the cause title. He submits that most of the Applicant's foreign travel is planned at short notice due to his business commitments, making it practically difficult to seek court permission within a limited timeframe. He submits that the impugned condition be deleted and that the Applicant be allowed to furnish his itinerary details to the

Investigation Officer before the Applicant travels abroad. On instructions from the Applicant, he states that if the impugned condition is removed, the Applicant will provide his travel itinerary, destination details, stay arrangements, overseas contact numbers, evidence of travel tickets, and any other information required by the Investigation Officer at least 3 days before travelling abroad. He submits that the Applicant's travel will not delay the trial of Special SC ST Case No. 147 of 2025. To clarify, he submits that the Applicant will not request an adjournment on the grounds of travelling abroad.

10. Ms. Poonam Bhosale learned APP for the State, on instructions from the Investigation Officer, submits that if the Applicant provides the itinerary details of his travel abroad to the Investigation Officer before his travel, including all the details referred to Mr. M. P. Vashi learned Senior Advocate, then the Investigation Officer has no objection, and this Court can consider the Applicant's request regarding the impugned condition.

11. Mr. Satyam Dubey learned Advocate for Respondent

No. 2, relying on the reply dated 14.02.2026, opposes this Application. He submits that the offence committed by the Applicant is not a private dispute but a crime against society, and that the law protects members of the SC/ST from humiliation, discrimination, and atrocities. He submits that the Applicant, an influential builder/ businessman, used his position to humiliate Respondent No. 2 with caste-based slurs. He submits that permitting the Applicant to travel abroad without judicial safeguards would send a wrong message to society and undermine the purpose and spirit of the Atrocities Act, 1989. He submits that the Sessions Court correctly imposed the condition in the order dated 22.02.2025. He submits that if the Applicant seeks modification of any condition, he should approach the Sessions Court, which is best suited to decide whether such modification is warranted. He submits that the Applicant has not attached any proof or travel itinerary to support his travel claim. For all the above reasons, he submits that the Applicant is not entitled to any relaxation. He relies on the decision of the Delhi High Court in the case of Disha A. Ravi Vs. The State (NCT of Delhi) passed in CRL.M.C 5914/2023 & CRL. M. A. 22214/2023 (*Decision*

downloaded from the Indian Kanoon website).

12. Mr. M. P. Vashi learned Senior Advocate, in his rejoinder, submits that, aside from the Applicant being dishonestly implicated in a false case by Respondent No. 2, the reasons provided by Respondent No. 2 to oppose the present application are not only frivolous but also malafide, intended to cause prejudice, humiliation, and harassment to the Applicant, who has established his business and firm roots in this country. He submits that the Applicant is challenging the impugned condition before this court under section 483(1)(b) of BNSS. 2023.

13. Heard arguments, perused records with the assistance of the learned Advocates.

14. The Respondents do not claim that the Applicant was unavailable for the investigation of Crime No. 1125 of 2024. The concern expressed by the Respondents while opposing Bail Application (Exhibit – 3) filed in Special SC ST Case No. 147 of 2025, was that the Applicant would influence witnesses, tamper with evidence and intimidate Respondent No. 2. Notably,

Respondents did not claim that the Applicant was a flight risk.

15. Concerns raised by the Respondents are addressed by the Sessions Court in its order dated 22.09.2025, passed in Bail Application (Exhibit – 3) filed in Special SC ST Case No. 147 of 2025. Relevant paragraphs 4, 5, and 6 of the order dated 22.09.2025 are transcribed below :-

4. The prosecution by filing reply contested the application, so also the informant has filed reply to bail application and contested the application on the ground that the allegations levelled against the applicant are extremely grave and serious in nature. If the accused is released on bail, there is serious apprehension that he may influence witnesses and tamper the evidence and cause intimidation to the informant who belongs to a vulnerable section of society.

5. Heard learned Advocate for the applicant, learned APP for the State and learned Advocate for the intervenor.

6. I have gone through the charge-sheet and statement of witnesses. This Court has already passed order of issuance of process against the applicant on 28/01/2025. As such, the provisions of SC ST Act against the applicant/accused are proper or not, will be the question of full-fledge trial. Therefore, question of invoking of provisions of SC ST Act against the applicant would be the matter of trial. This Court has granted interim protection to the applicant/accused after filing of charge-sheet on 08/07/2025. There is no allegations of breaching of bail conditions by the accused during the period of interim bail. The investigation is already completed and the charge-sheet has been filed. Therefore, in my humble Judgment no fruitful purpose would come out by keeping the applicant in jail. Hence, I proceed to pass following order.”

16. Considering the stand taken by Respondent No. 1 in this Application, as recorded above, to a query to Mr. Satyam

Dubey, learned Advocate for Respondent No. 2, whether Respondent No. 2 considers the Applicant a flight risk or whether Applicant has violated any bail conditions, Mr. Dubey replied in the negative.

17. Respondent No. 2, while responding to the averments of the Applicant in paras 6(a) and 6(e) of this Application, where the Applicant states that he needs to travel abroad several times a year and that the Applicant, along with his family, travels abroad regularly, has not contested the claim regarding travel abroad in para 10(iv)(b) of the reply dated 14.02.2026.

18. The core of the opposition to this Application by Respondent No. 2 appears to be based on the merits of Special SC ST Case No. 147 of 2025. Respondent No. 2 has neither challenged the order dated 22.09.2025 nor applied for the cancellation of the said bail. Even in his reply dated 14.06.2026 filed in this Application, Respondent No. 2 neither claims that the Applicant is a flight risk nor provides any evidence indicating that the Applicant has violated any bail conditions.

19. There is no dispute that the Court granting bail has the discretion to impose bail conditions it deems appropriate, based on the facts of each case. However, the question in this case is whether the impugned condition was warranted.

20. Given the nature of the offence in this case, the observations of the Sessions Court that the Applicant did not breach any bail conditions during the interim bail period, and most importantly, the absence of any apprehension expressed by Respondents regarding the Applicant being a flight risk or not appearing for trial, or such concerns being raised or considered by the Sessions Court in the order dated 22.09.2025, justify indulgence in this particular case, especially considering the fair stance adopted by Respondent No.1 in this application.

21. The case of Disha A. Ravi Vs. The State (NCT of Delhi)¹, relied upon by Mr. Satyam Dubey, involved allegations against the Petitioner, Editor of the “toolkit”, of planning conspiracy to wage war against the country and to create disharmony or feeling of enmity not only among different groups, including calling for protests outside Indian Embassies and

¹ 2023 SCC ONLINE DEL 605

violence on Republic Day, etc. Based on the facts of that case, the Delhi High Court declined relief to the Petitioner. The factual context in the case at hand is different.

22. There is no material on record in this Application to suggest the Applicant poses a risk of evading prosecution.

23. Considering the facts mentioned above and accepting the statement of Mr. M. P. Vashi, learned Senior Advocate appearing for the Applicant, in the form of an undertaking on behalf of the Applicant, which includes the statement that the trial of Special SC ST Case No. 147 of 2025 shall not be hindered or delayed due to the travel of the Applicant, the impugned condition is deleted.

24. This Application is allowed on the following terms:-

- (i) Impugned Condition No. 5 in the order dated 22.09.2025, passed by the Sessions Court in Bail Application (Exhibit – 3) filed in Special SC ST Case No. 147 of 2025, is deleted and substituted by the following condition: -

“5 (a). The Applicant shall, before travelling abroad, at least

three(3) days in advance, provide in writing details of itinerary, i.e. destination, place of stay abroad, contact number abroad and air tickets (to and from) with photocopies of the same to Respondent No. 1 (Investigation Officer in Crime No. 1125 of 2024 registered at Amboli Police Station, Mumbai).

5 (b). The Applicant shall, upon returning to India, notify Respondent No. 1 (Investigation Officer in Crime No. 1125 of 2024 registered at Amboli Police Station, Mumbai), in writing, within 48 hours of arrival in India.

5 (c). The Applicant shall not seek an adjournment in Special SC ST Case No. 1125 of 2024 on the ground of travelling abroad or being out of the country.”

(ii) All the other conditions of the order dated 22.09.2025 passed in Bail Application (Exhibit – 3) in Special SC ST Case No. 1125 of 2024 shall continue to operate.

25. Criminal Application No. 115 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)