

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.249 OF 2026

Satish @ Satiya @ Divine Badariya Ramesh Baradiya ...Applicant

Versus

State of Maharashtra ...Respondent

Ms. Savvy Kolhe a/w Afroz Ahmad Momin and Nikhat Momin
i/by Aniket Vagal, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

API – Jayashri R. Anawane, Bhiwandi City Police Station,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 27TH JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 979 of 2024 dated 1st October 2024 registered with the Bhiwandi City Police Station, Mumbai for the offences punishable under Sections 333, 310(2) and 324(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959 and Section 7 of the Criminal Law (Amendment) Act, 1932. Thereafter, Section 111 of the BNS was also added.

2. There are in all 10 accused. The main Accused No.1, namely Abhishek Sambhaji Deshmukh, is granted bail. The role attributed to him in the FIR itself, is that he assaulted the injured victim with a *koyta*. Similar role was attributed to Accused Nos.3 and 5. Accused No.1 and 3 have been granted bail by the Trial Court and Accused No.5 has been granted bail by this Court. The present Applicant is Accused No.4. Accused Nos. 8 to 10 are absconding. Accused Nos. 6 and 7 are juveniles.

3. The case of the prosecution, in brief, is that the First Informant/Complainant has a shop at Kamatghar, selling water. On 29th September 2024 at 7:30 p.m., while the Complainant/First Informant was in his shop, he found some persons quarreling across the road. He intervened in the quarrel and tried to resolve the matter. Thereafter, on next day i.e., 30th September 2024, at around 7:00 p.m., ten persons on three motorcycles came to his shop, carrying iron sickles and other rustic weapons. They entered the shop and threatened

the First Informant and forcefully robbed him of Rs.8,630/-. They also stole a handbag. The First Informant's brother and sister-in-law also came to the shop at that time; they also suffered beatings by the accused. Since the First Informant and his relatives suffered injuries, the FIR was registered, and the accused were arrested.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by order dated 31st October 2025, the said application was rejected. Hence, the Applicant is before this Court seeking relief as prayed.

5. Ms. Kolhe learned counsel for the Applicant, at the outset, submits that the role attributed to Accused Nos.1 and 3 is much higher than the role attributed to the present Applicant. In fact, his name does not appear in the FIR. His name only appears in the supplementary statement *albeit* even then no specific role is attributed to him. She further submits that the Applicant is in custody since 4th October

2024, and has suffered incarceration for more than one and half year. Hence, she prays that the Applicant be released on bail.

6. Ms. Bajoria, learned APP representing the State, submits that although no specific role was attributed to the present Applicant in the original FIR as well as the supplementary statement, a scooter was recovered at his instance and the money which was allegedly to have been taken away along with the bag from the injured, was recovered from the said scooter. Hence, she submits that there is a distinction between the role attributed to the present Applicant and the co-accused who have been enlarged on bail. She submits that the Applicant has one antecedent under the BNS. She thus, prays that the Application be rejected.

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

8. A plain reading of the FIR reveals the absence of Applicant's name. Even in the supplementary statement although his name was taken by the First Informant, no role is attributed to him. The role of the Accused Nos.1, 3 and 5 is much higher than the role attributed to the present Applicant as only an amount of Rs.1000/- is recovered from the bag in his scooter, at his own instance. The Accused Nos.1 and 3 namely Abhishek Deshmukh and Kashiram Yengulwar have been enlarged on bail by the Trial Court. It is these co-accused who are allegedly to have assaulted the injured with a *koyta*. The role attributed to them is much higher than the role of the present Applicant. The Applicant has already suffered incarceration for more than one and half year, and till date, charges are not framed.

9. In view of the aforesaid discussions, 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) 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)