

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 438 OF 2026

Suraj Shivnath Gupta

...Applicant

Versus

State of Maharashtra

...Respondents

Mr. S. Z. Khatib, for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 10th MARCH, 2026.

PC:-

1. This Application seeks regular bail in connection with Crime No.320 of 2025 dated 17th April 2025 registered with the Dahisar Police Station, Brihanmumbai City, for the offences punishable under Sections 109, 126(2), 61(1)(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. It is the case of the prosecution that Accused No.1, who is the wife of the Informant/Injured, conspired to attempt to commit the murder of the Informant. She engaged the Co-accused to cause actual assault. In the said incident, which occurred on 17th April 2025, the Informant was assaulted by accused persons with wooden sticks. He sustained grievous injuries and required hospitalization. On the basis of his report, the offence came to be registered against the Applicant and the Co-accused.

3. Learned counsel for the Applicant submits that after the conclusion of the investigation and since the charge-sheet has been filed, further custody of the Applicant is not necessary. It is his further submission that Accused Nos.1 and 2, at whose instance, the said incident of assault took place, have already been released on bail.

4. The learned APP opposes the Application. It is his submission that the Applicant hails from the state of Uttar Pradesh ('UP') and hence, if he is enlarged on bail, he would not be available for trial. Learned APP further submits that there is one criminal antecedent against the Applicant for a similar offence committed in the state of UP.

5. Having regard to the nature of offence, at the first instance, it needs to be recorded that further custody of the Applicant is not necessary. Considering the pendency before the Trial Court, the possibility of early decision of the trial is ruled out.

6. The Co-accused, at whose instance the incident of assault took place, have already been enlarged on bail. The only point for consideration would be the pendency of a similar offence against the Applicant. Learned counsel for the Applicant submits that the Applicant has already been enlarged on bail in the said crime. Hence, this does not become an impediment for the grant of bail.

7. The apprehension of the prosecution of the abscondence of the Applicant can be taken care of, by imposing appropriate conditions. Hence, the following order:-

ORDER

- (i) The Bail Application stands allowed;
 - (ii) The Applicant be enlarged on bail on furnishing P R. Bond of Rs.30,000/- with one/two local sureties to the satisfaction of the Trial Court;
 - (iii) The Applicant to attend all the dates of hearing before the Trial Court unless exempted by passing a specific order;
 - (iv) The Applicant not to cause interference in the evidence of the prosecution in any manner whatsoever.
8. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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