

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.674 OF 2026

Ajay Avdhesh Chauhan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Nitin H. Sejpal, *with Pooja N. Sejpal, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent-State.*

CORAM DR. NEELA GOKHALE, J.

DATED: 18th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 149 of 2025 dated 3rd March 2025 registered with the Tulinj Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 103(1), 115, 351, 352, 189(2), 189(4), 191(2), 191(3) and 190 of Bharatiya Nyaya Sanhita (for short 'BNS'). There are in all five Accused and the present Applicant is

Accused No.2. Three Accused have been granted bail while two, including the present Applicant, are in custody.

2. The case of the prosecution, in brief, is that, there was a quarrel between Kaushik Chauhan and the present Applicant-Ajay Chauhan with the deceased and his friends. On 2nd March 2025 at 11.30 p.m., the deceased and his friends were proceeding on their motor-cycles to a place where they were to celebrate their friend's birthday. On the way to the said location, two Accused namely, Kaushik Chauhan and the present Applicant, started abusing them. When the Complainant and the deceased stopped their motor-cycles and asked the present Applicant and the Co-accused as to why they were abusing them, the Applicant and the Co-accused answered that the deceased and his friends had dashed the auto-rickshaw in which they were travelling. On this ground, there was verbal altercation between the parties and they hurled abuses against each other. Other friends intervened and tried to resolve the quarrel. However, Co-accused-Kaushik

Chauhan and the present Applicant did not appear to be in a mental frame to settle the matter and in fact, they went inside their house situated nearby and Kaushik Chauhan returned with an iron rod. Deceased-Saurabh was hit by an iron rod on his head, on account of which he died. Thus, the Applicant and the Co-accused were arrested pursuant to an FIR being registered.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge-1, Vasai. However, by order dated 20th January 2026, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Nitin Sejpal, learned counsel appearing for the Applicant, submits that there is no role attributed to the present Applicant in the FIR and it is only Kaushik Chauhan, who hit the deceased with the iron rod on his head and Post-mortem Report also corroborates the same. He further submits that the Applicant was arrested on 3rd March 2025 and he is in

custody for almost one year. He submits that three Co-accused have already been granted bail and the role attributed to them is similar to that of the present Applicant. On these considerations, he prays that the Bail Application be allowed.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State in the matter, on instructions of the Investigating Officer, has pointed out *Nivedan Panchanama* of the present Applicant to submit that there is recovery of scissor from the Applicant. She further submits that even eye witnesses stated that the Applicant participated in hitting the deceased. Considering his role in the present offence, Ms. Bhosale, resists the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the role of the present Applicant is of giving blows to the deceased with his fists on his back. However, the Post-mortem Report clearly indicates that the cause of death is

on account of intracranial hemorrhage met due to head injury caused by hard and blunt object. It appears that it is Kaushik Chauhan, who has admittedly hit the deceased's head with an iron rod. The role attributed to the Applicant is restricted to hitting the deceased with fists and blows. Moreover, three Co-accused are already granted bail by this Court.

8. Considering the above, 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 on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant holds a passport, he 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.

9. Application is allowed in the above terms and is accordingly disposed of.

10. 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)

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