

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

BAIL APPLICATION NO. 759 OF 2026

Sumit @ Ashu Krushnapal Valmikit (Tak) ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Kunal Aher, *with Pandurang Andhale, Gaurish Satpute i/b
Vaibhav Jagdale, for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the Respondent-State.*

CORAM DR. NEELA GOKHALE, J.

DATED: 24th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 1000 of 2024 dated 9th December 2024 registered with the Chitalsar Manpada Police Station, Thane City for the offences punishable under Sections 109, 115(1), 118(2), 352, 351(2), 189(4), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 37(1), 135 of the Maharashtra Police Act, 1951 and Sections 4 and 25 of the Arms Act, 1959. There are in all

twelve Accused out of which three Accused are on bail and the present Applicant is Accused No.2.

2. The case of the prosecution, in brief, is that, the Applicant, along with Co-accused is alleged to have assaulted and attempted to commit murder of the Complainant by means of sword, stick, base ball bat, cement paver block, etc., over a dispute regarding renting out residential accommodation to third persons. It is alleged by the prosecution that the Applicant and the Co-accused used to threaten residents of the locality to pay a fee if they wanted to give their premises on rent or wanted to sell their premises. The Complainant in the present case had a verbal altercation with the Accused including the Applicant on this issue. A verbal altercation ensued followed by a physical assault. The Complainant was injured and he was taken to the hospital. A complaint was made leading to the registration of the FIR. Accordingly, on 9th December 2024, the Applicant and the Co-accused were arrested.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Thane. However, by order dated 15th October 2025, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Kunal Aher, learned counsel appearing for the Applicant, submits that the FIR does not attribute any specific and overt role to the present Applicant and it is only in the supplementary statement, that the Complainant has referred to the Applicant as being part of the crowd. Mr. Aher admits that the Applicant was in the locality at the time of incident however, he refutes strongly that there is any overt act or weapon used by the Applicant. He submits that the Accused Nos.1, 4 and 12, who played a larger role in the assault, are already enlarged on bail. In these circumstances and even on the principle of parity, Mr. Aher submits that the present Applicant deserves to be enlarged on bail.

5. *Per contra*, Mr. Mayur Sonavane, learned APP representing the State in the matter, contests the Bail Application and submits that the offence is serious; the assault was grievous in which the Complainant has suffered innumerable grievous injuries, which are depicted in the injury certificate. He also points to the statements of witnesses, who have stated that the Applicant was present at the spot of incident and assaulted Complainant along with Co-accused. Thus, he prays that the Bail Application be rejected.

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

7. A plain reading of the charge-sheet attributes every single act of assault and the specific weapon used by a particular Accused. However, as far as the present Applicant is concerned, there is no recovery of weapon at his instance nor is there any allegation that he assaulted the Complainant with a particular weapon. Considering that each Accused is attributed a specific weapon of assault, save and except the

present Applicant, *prima facie*, it can be said that the Applicant was one of the spectators in the entire melee. Considering that the Applicant has no antecedents and the fact that he is already in custody since 9th December 2024 without charges being framed, 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 not enter territorial jurisdiction of Police Commissionerate of Thane City, save and except to attend the Trial Court and to mark his presence before the Police Station concerned;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) 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;

v) If the Applicant holds a passport, he shall deposit the same with the Police Station concerned

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) 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;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. The Bail Application is allowed in the above terms and is accordingly disposed of.

9. 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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