

IN THE COURT OF SESSIONS FOR GR. BOMBAY
ORDER BELOW EXHIBIT-03 (BAIL APPLICATION)
IN
SESSION CASE NO. 415 OF 2025

Karan Vijay Dalvi

Age:- 21 years, Occ:- Student,

R/at:- Room No.4, Sai Mitra Mandal,

Agarwadi, Mankhurd, Mumbai 400088 ..Applicant/accused

Versus

The State of Maharashtra

Through **Govandi** Police Station,

Mumbai. (In C.R.No.42 of 2025) ...Respondent/State

Coram : Avinash P. Kulkarni
(Court No. 10)

Heard on : 30.10.2025

Decided on : 01.11.2025

Appearance:

Adv. Mr. S. Z. Khatib for applicant/accused

Addl. P.P. Mr. Anand Sukhadeve for State.

ORDER BELOW EXHIBIT-03

(Dictated and pronounced in open court)

The applicant/accused prays for releasing him on bail. The applicant/accused was arrested on **10.02.2025** by **Govandi** Police Station, Mumbai, in C.R.No.42 of 2025 for the offence punishable under sections **103, 118(2), 352** of the Bharatiya Nyaya Sanhita, 2023 ('BNS' in short).

2. Heard both sides at length.

3. In brief, the prosecution's case is that the complainant Mr. Ramesh Jagannath Khomne is the younger brother of Gulabrao

Jaganath Khomne (deceased). On 09.02.2025 at about 06:30p.m., the wife of Gulabrao Jaganath Khomne informed complainant that the applicant/accused had assaulting Gulabrao Khomne on his head with a bamboo stick for some unknown reason, causing injuries to him. After reaching complainant at spot, he knows that the local residents has taken his brother to Sion hospital for medical treatment. Thereafter, he went to Sion hospital, Mumbai, where his brother had been shifted to the ICU, and during the course of treatment, he succumbed to his injured and died at hospital. Hence, the FIR.

4. The accused/applicant has come with the case that he has been falsely implicated in this case. He has no connection whatsoever with the alleged offence and is completely innocent. There is not even an iota of evidence against him to attract the ingredients of section 103 of the BNS. There is also no motive attributed to the applicant/accused for the charges leveled against him, even if the prosecution story and charge-sheet are taken at their face value. The prosecution has cited a total of 21 witnesses in this matter; hence, there is every likelihood that the commencement of the actual trial may take considerable time, as the prosecution is not yet ready to proceed. The entire case rests on circumstantial evidence, and the chain of circumstances is incomplete. The investigation has already been completed, and the charge-sheet has been filed. The applicant has been in custody for the past five months, and not a single witness has been examined so far. He ready and willing to abide by any stringent conditions that may be imposed by this Court. No purpose will be served by keeping him further detained in custody. He is a permanent resident of Mumbai, has strong roots in society, and will not abscond if released on bail. He is a 21-year-old student and has the responsibility of maintaining his aged parents. Hence, application

may be allowed.

5. Per contra, the learned APP filed his reply (Exhibit-3A) and strongly opposed the bail application on the ground that the material on record clearly establishes his involvement in the brutal assault and murder of Gulabrao Jagannath Khomane. The incident shows that after an earlier quarrel resolved by a witness Sudesh Vishnu Nagvekar, the applicant/accused again attacked the victim with a bamboo stick and brick causing his death. Eyewitnesses, including Mrs. Manisha Sandeep Devkule and Mrs. Kavita Khomane, have specifically named the accused and described his active participation in the offence. The investigation has resulted in the seizure of incriminating articles such as bamboo, brick pieces, and blood-stained soil from the scene, along-with the clothes of both the accused and the deceased, which have been sent for forensic analysis. The learned APP further submitted that, considering the gravity of the offence, the seriousness of the allegations, and the fact that the accused/applicant, the complainant, and witnesses reside in the same locality, there exists a strong likelihood that the accused/applicant may threaten or influence witnesses or repeat a similar offence if released on bail. Hence, application may be rejected.

6. I have gone through the case of prosecution. The witnesses have stated that a quarrel took place between the applicant/accused and the deceased. Hence, applicant/accused claims to be entitled to bail. However, on perusal of the record, it is revealed that the eye-witnesses have deposed that the applicant/accused assaulted the deceased by giving a blow on the head with a bamboo stick, due to which the deceased succumbed to his injuries and died.

7. Applicant/accused came with case that there was no intention to kill the deceased; however, during the course of argument, it was revealed that a quarrel took place between the applicant/accused and deceased prior to the incident, and thus the applicant/accused himself has brought on record the element of intention.

8. Considering the facts of the case, the nature and gravity of the offence, and the evidence on record, the eye-witnesses have clearly deposed that the applicant/accused assaulted the deceased with a bamboo stick, and also struck him with a brick, causing fatal injuries. The incident followed a prior quarrel, which itself indicates that there was an intention on the part of the accused to cause harm. The prosecution has seized incriminating articles, including blood-stained bamboo, bricks, and soil, and the clothes of both the accused and the deceased have been sent for forensic examination. Given that the accused, complainant, and witnesses reside in the same locality, there exists a strong likelihood that the applicant/accused, if released, may threaten or influence witnesses or even commit a similar offence again. Considering these circumstances, along-with the seriousness of the allegations and the brutality of the act, this court finds that the applicant/accused is not entitled to bail. Hence, I pass following order-

ORDER

Bail application (Exhibit-03) in Sessions Case No.415 of 2025 is rejected and disposed of accordingly.



Dictated on : 01-11-2025
Transcribed on : 01-11-2025
Corrected on : 01-11-2025
Signed on : 01-11-2025

(Avinash P. Kulkarni)
Ad hoc Judge, City Civil Court
and Additional Sessions Judge
Mumbai 400032 (C.R.No.10)

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
01-11-2025 at 04:28p.m.

NAME OF STENOGRAPHER
Mr. G. N. Sutar

Name of the Judge (with Court Room No.10)	Avinash P. Kulkarni C.R. No.10
Date of Pronouncement of JUDGMENT/ ORDER	01-11-2025
JUDGMENT/ORDER signed by P. O. on	01-11-2025
JUDGMENT/ORDER uploaded on	01-11-2025