

Ajay

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

BAIL APPLICATION NO. 3646 OF 2026

Prasad Gopal Karekar

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Satyavrat Joshi a/w. Ms. Indrayanee Pandit, Advocates i/by Priyesh S. More for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 30, 2026.

P.C.:

1. Heard Mr. Joshi, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent – State.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '**BNSS**') seeking bail in connection with C.R.No.2 of 2024 registered with Sinhgad Road Police Station, District Pune for offence punishable under Section 302 of the Indian Penal Code, 1860 (for short '**IPC**'). The First Information Report is filed on 04.01.2024 and Applicant came to be arrested on 04.01.2024.

3. This is a successive Bail Application filed by the Applicant who is the sole accused in the present crime. His name is Prasad Gopal Karekar. He is accused of beating up the deceased victim Sandeep

Rajaram Patil, who was his employee on the ground of he having suspected him of stealing money. The victim was working as an employee with Applicant.

4. On 03.01.2024, Applicant gave a phone call on police Phone No.112 and informed them about the victim lying unconscious in an intoxicated state in the narrow lane next to his residence. The Police Authorities arrived at the incident spot where the body was lying and shifted the victim to the hospital where he was declared dead on admission.

5. Prosecution case is that Applicant had physically assaulted the victim in a very brutal manner and murdered him in cold blood. It is *prima facie* otherwise evident from the witness statements recorded by the prosecution. There is direct evidence of the act of beating the victim by the eye witnesses who were present at the time when the victim was beaten up and who also aided and assisted the Applicant in removing the victim's body from the house of Applicant where he was beaten up and throwing it in the narrow bylane next to his house.

6. Mr. Joshi, learned Advocate appearing on behalf of Applicant would persuade me to consider release of Applicant on bail on the ground that the incident in question was on account of a scuffle between the Applicant and the victim and in that scuffle the victim was beaten up and he became unconscious and fell to the ground. He

would submit that Applicant is in custody for more than 2 years and 9 months and there is no recovery of any weapon made at the Applicant's instance.

6.1. He would also vehemently argue that there is no clear motive putforth by the prosecution with regard to the scuffle which took place between the parties. He would also argue that according to the prosecution case, the victim suffered burn injuries on his private parts, but the post-mortem report speaks otherwise and does not indicate any such injury alleged by the prosecution.

6.2. He would submit that charge has already been framed on 29.07.2026 and there is no progress in trial and the trial would take a long time to commence and conclude since it is awaiting the stage of *mudhemal* and examination of witnesses has not commenced. He would persuade the Court to consider that this is the 4th Bail Application filed by Applicant and therefore in that view of the matter, considering the long incarceration of Applicant, Applicant be released on bail.

6.3. He would also submit that Applicant has not committed the alleged crime as he had no motive to commit the crime and therefore there is no necessity to keep the Applicant behind bar since investigation is completed and charge-sheet has been filed. He would submit that this Court in the previous order had given liberty to

Applicant to apply for bail before the Court while withdrawing the previous Bail Application. He would submit that Applicant is a well reputed person in society having his permanent address and landed property and is not likely to abscond and will abide by all conditions imposed by the Court. Hence, he would persuade the Court to release the Applicant on bail.

7. *PER CONTRA*, Ms. Newton, learned Prosecutor would persuade me to consider the material placed on record. She would submit that there is substantial *prima facie* material at the threshold to deny Applicant bail and to prove the brutal manner in which Applicant had killed and murdered the victim. She would submit that prosecution has recorded eye witness account of the entire incident of beating up of the deceased victim and of attempting to burn the private parts of the deceased victim which is recorded in the CCTV footage also. She would submit that there is direct eye witness account which is appended to the charge-sheet which shows the grievous and heinous manner in which the Applicant has beaten up the deceased victim. She would submit that Applicant is also having very serious antecedents registered against him and therefore he does not deserve to be let out on bail.

8. I have considered the submissions advanced by both the learned Advocates at the bar and perused the record of the case.

9. At the outset, it is seen that Applicant has been arrested by the prosecution not merely on the ground of suspicion for having murdered the victim, notwithstanding the fact that he himself had given information about the victim lying in an unconscious state, but there is *prima facie* direct evidence showing the participation and complicity of Applicant in committing the murder in the most brutal fashion.

10. The witness statement recorded by the prosecution of independent witnesses namely who is the driver of Applicant and who was present throughout the entire day of 03.01.2024 is appended at page No.53 of the Application. The said witness statement clearly depicts the manner in which Applicant had treated the victim throughout the day. Since the driver was present in the house when the entire incident had occurred, it is seen that since morning Applicant was questioning the victim about his stolen money and was constantly and incessantly abusing and physically beating up the victim.

11. It is seen that at about 9:00 a.m. in the morning the driver alongwith another friend namely Ganesh Tirasbude, both visited the house of Applicant where they witnessed the aforesaid meeting and abuse and assault on the victim. It is stated that both the friends sat inside the room in the house of Applicant drinking liquor and after

some time Applicant dragged the victim in a semi-naked condition inside that room and kept on relentlessly beating and pounding on the victim's body with fist and kick blows.

12. It is also stated by the eye-witness that both the friends persuaded the Applicant not to beat him, but Applicant would not listen and continue beating the victim. The eye-witness account further records that Applicant poured sanitizer on the private parts of the victim and lit the same with his lighter and with his legs, blows kept on hammering on the burning part on the victim's body. After receiving such assault, the victim becomes unconscious.

13. The eye witness account thereafter records that both the friends of Applicant then attempted to help the victim by feeding him water and by wrapping him in a bed-sheet which they brought from the Applicant's house. At about 3:00 p.m. in the evening post-afternoon session, Applicant informed the eye witness friend and the driver who has recorded his statement to throw the victim's body in a narrow bylane next to his house (बोली).

14. According to the eye witness and the eye-witness friend and the driver, both called two other persons to aid and assist them in lifting the victim's body and they threw away the victim's body in the narrow bylane (बोली) to Applicant's house. Thereafter, Applicant alongwith his friends visited a hotel for having food in Moti Chowk

area and after having food, they returned back to his house at about 9:00 p.m.. At that time, Applicant had seen that the victim was lying unconscious still where his body was thrown and therefore he called the police on phone No.112 and informed them that one of his employee was lying in an unconscious state due to heavy intoxication and the police should come and take a look at him. When the police arrived, they were informed by Applicant that the victim was lying there in a drunken condition in an unconscious state whereby the police called for an ambulance and shifted the victim to the hospital where he was declared dead on admission.

15. The prosecution has also recorded the statements of the other eye witness accounts. Perusal of the material placed on record *prima facie* shows that Applicant had in the most brutal fashion pounded the victim and his body on his chest, private parts and all over his body including his head and beaten through black and blue until he lost consciousness completely. Further Applicant is also *prima facie* guilty of misleading the police officers by informing them that the victim was lying unconscious in an intoxicated state and did not diverge the episode of the victim having been abused and beaten.

16. In view of the motive for the crime, though it is argued by Mr. Joshi that Applicant had no intention to commit the murder, I am unable to accept the said submission primarily because the abuse and

physical assault on the victim commenced at 9:00 a.m. in the morning and was relentlessly done thereafter until 3:00 p.m.. One more reason which impels me to reject the submission made by Mr. Joshi is on account of the fact that both the eye witness friends of Applicant who were present inside the house and in whose presence the victim was assaulted in the most brutal manner by pouring sanitizer on his private parts and igniting the same with a lighter all by the Applicant and he having been told repeatedly not to carry out the beating, Applicant did not listen to them and continued beating the victim.

17. The act of physical assault and in the manner in which it was done in the present case by pouring sanitizer on the private parts of the victim and igniting them and pounding the said private parts with his legs which is clearly documented by the witness statement is a very heinous act which shows the perverse mind of Applicant in trying to end the life of the victim. Therefore, I am unable to accept the fact that Applicant did not know the consequences of his act and merely because the Applicant has approached this Court three times previously for seeking bail, Applicant's case should be considered for bail is something which I am unable to accept. The act of Applicant is so grievous, such that it is an act which has a very serious societal impact. It is an act against the society at large where it is not a case of mere assault.

18. Applicant cannot get any brownie point for considering his Bail Application as argued by Mr. Joshi on the basis that the Applicant did not use any weapon or there was no recovery of any weapon at the Applicant's instance. In the given situation which is the present case use of hand and fist blows and kick blows and legs can be more dangerous than the use of any weapon to cause serious and grievous injury.

19. In the present case, it is seen that Applicant has been unrelenting since 9:00 a.m. in the morning and he was constantly not only abusing the victim, but also relentlessly physically beating him and pounding on his body and the grave act of pouring sanitizer and igniting the same itself shows the heinousness of the crime in question. That apart, after calling the police, Applicant has also attempted to mislead the prosecution by informing them that the victim was lying in an unconscious intoxicated state when that was not the case at all.

20. The medical report, copy of which is appended at page No.85 onwards shows 16 injuries. Though Mr. Joshi would vehemently argue that all 16 injuries are contused abrasions over the body of the victim, I am not inclined to consider the submission advanced by Mr. Joshi at all. If the said injuries are seen, it will shake the conscience of any prudent person. These injuries are not merely contusions, but they

are contusions of a very serious nature on each and every body part of the the victim.

21. Insofar as Mr. Joshi's submissions that there is no burn mark as can be seen from the post-mortem report is concerned, I am once again unable to accept the said submission. In column No.14 depicting condition of the skin, it is clearly stated that there is purplish black discoloration of the skin noted over the lower abdomen area extended downwards to involve scrotal skin and medial aspect of both thighs in upper one-third and peeling and discoloration of the skin over the entire right foot and ankle and on the cut section, there is edematous fluid oozing out. This in itself, *prima facie*, shows that Applicant had in fact used the sanitizer and ignited the same and had pounded the private parts of the victim.

22. The brutality with which Applicant had committed the present crime does not entitle the Applicant grant of bail. Applicant has committed a very serious and heinous offence. It is a misnomer that if there are successive Bail Applications filed, the accused persons are under the impression that bail should be given to them. Bail is not something which is dependent upon filing of successive applications. Bail is required to be considered from the societal perspective.

23. There are two main considerations for grant of bail, one is obviously to ensure that Applicant will not jump bail and attend trial,

but the more important consideration is about the act of the accused person. If it is seen that the act of the accused person is so brutal which would have a societal impact, then in my opinion, such an accused person cannot be enlarged on bail merely because the investigation is completed and charge-sheet is filed and Applicant is behind bars for over 2 years and 9 months is not a consideration in the facts and circumstances of the present case which can persuade me to grant bail to the Applicant.

24. It is observed by this Court that, in similarly situated cases, accused persons run to file successive Bail Applications as soon as the roster changes and a new Judge is appointed to deal with the matters falling under the said roster.

25. Hence for the aforesaid reasons, the Bail Application for bail is rejected and dismissed.

[MILIND N. JADHAV, J.]

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