

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.1515 OF 2024**

|                                |               |
|--------------------------------|---------------|
| Sanjaykumar Chandeshwar Prasad | ...Applicant  |
| <i>Versus</i>                  |               |
| The State of Maharashtra       | ...Respondent |

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Mr. Anil Jadhav, Advocate, for the Applicant.  
Ms. Savita M. Yadav, APP, for the Respondent-State.

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**CORAM: MADHAV J. JAMDAR, J.**  
**DATED: 19<sup>th</sup> APRIL 2024**

**P. C.:**

**1.** Heard Mr. Jadhav, learned Counsel for Applicant and Ms. Yadav, learned APP for Respondent-State.

**2.** This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

|    |                                |                                                 |
|----|--------------------------------|-------------------------------------------------|
| 1. | C. R. No.                      | 356/2023                                        |
| 2. | Date of registration of F.I.R. | 03/04/2023                                      |
| 3. | Name of Police Station         | Waliv, Tal.- Vasai, District-Palghar            |
| 4. | Section/s invoked              | 302, 201 r/w. 34 of the Indian Penal Code, 1860 |
| 5. | Date of incident               | 31/03/2023                                      |

|    |                                |            |
|----|--------------------------------|------------|
| 6. | Date of arrest                 | 04/04/2023 |
| 7. | Date of filing of Charge-sheet | 28/06/2023 |

**3.** The Applicant is Accused No.1. As per the prosecution case, the Applicant was involved in a relationship outside of marriage with the Accused No.2-Munnidevi Dube. The deceased was the husband of the Accused No.2-Munnidevi Dube. The deceased was a habitual alcoholic and it is the case of the prosecution that at the time of the incident in question i.e. on the night of 31<sup>st</sup> March 2023 the Applicant and the deceased consumed liquor together on a hill and when the deceased was inebriated, the present Applicant threw him and because the deceased did not die, the Applicant then strangled the deceased.

**4.** Mr. Jadhav, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. There are no circumstances connecting the Applicant to the offence. He states that the Accused No.2 has been released on bail. He submitted that the Applicant is a young man aged 24 years and that there are no criminal antecedents against the Applicant, therefore the Applicant be released on bail.

5. On the other hand, Ms. Yadav, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that the offence in question was committed with premeditation. She submitted that there is incriminating material against the Applicant. She submitted that the Accused No.2 had not actively participated in the incident in question and therefore the Applicant cannot seek benefit of parity. She submitted that the C.C.T.V. footage shows the Applicant purchasing liquor and that there is recovery of liquor bottle and a rope at the instance of the Applicant. She submitted that very strong circumstances exist against the Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 31<sup>st</sup> March 2023, F.I.R. was lodged on 3<sup>rd</sup> April 2023, the Applicant was arrested on 4<sup>th</sup> April 2023 and, Charge-sheet was filed on 28<sup>th</sup> June 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 26 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The Applicant is a young man aged 24 years.
8. The case is of circumstantial evidence. *Prima facie*, except recovery there is no other circumstance.
9. There are no criminal antecedents against the present Applicant.
10. Mr. Jadhav, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District - Palghar and that the Applicant will reside at C/o. Pawan Kumar, Near Dhanpat Mourya Kirana Store, Kolshet Road, Thane, Maharashtra 400607.
11. The Applicant does not appear to be at risk of flight.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
13. In view thereof, the following order:-

**ORDER**

- (a) The Applicant – Sanjaykumar Chandeshwar Prasad be released on bail in connection with C.R. No.356 of 2023 registered with the Waliv Police Station, District – Palghar on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Palghar district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Manpada Police Station, District - Thane once every week, on every

Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Manpada Police Station, District - Thane to communicate details thereof to the Investigating Officer.

- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to

the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]