

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

CRIMINAL BAIL APPLICATION NO.4736 OF 2024

Sushil Abhiman Bhalerao Applicant

versus

The State of Maharashtra Respondent

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- Mr. Shriganesh S. Sawalkar, appeared through VC, Advocate for Applicant.
- Mr. Ashish I. Satpute, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 09th DECEMBER, 2024**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.364/2019, dated 21/05/2019, registered with Kolsewadi Police Station, Thane City, under section 302 of the Indian Penal Code.

2. The investigation is over long time ago and the trial has not progressed at all beyond framing of the charges on 05/02/2024.

3. Heard Mr. Shriganesh S. Sawalkar, learned counsel for the Applicant and Mr. Ashish I. Satpute, learned APP for the State.
4. This is the second time, the Applicant has approached this Court for his release on bail. On the previous occasion he had filed Bail Application No.1317 of 2021, which was rejected vide a reasoned order dated 08/02/2022. Even after that, there is no progress in the case. The Applicant is in custody for more than 5 ½ years. Therefore, I am entertaining this application.
5. The FIR is lodged by one Sudhir Salve. He was brother of the deceased Dheeraj. He has stated that the deceased was in a love relationship with the Applicant. But the Applicant was suspicious of the deceased. On 20/05/2019, the deceased Dheeraj was murdered in a room and when the body was discovered it was in a decomposed state. The post-mortem notes show that there were multiple stab wounds. The cause of the death was 'heamorrhagic shock due to stab wounds'. The

prosecution case is that the Applicant committed this murder because of the suspicion about deceased's relationship with others. The material collected during the investigation is in the nature of circumstantial evidence. There are statements of two important witnesses Bhagyashree and Archana. Bhagyashree has stated that she had seen the deceased and the Applicant together on 15/05/2019 and 16/05/2019. She had seen quarrel between both of them on 16/05/2019 at about 07.30 p.m. On 17/05/2019, she had seen the room of the deceased locked from outside.

6. Archana has stated that she had called the deceased on 16/05/2019 at about 03.50 p.m. At that time, the deceased had told her that the Applicant was beating him. There was a recovery of knife at the instance of the Applicant on 24/05/2019. It was concealed by the Applicant near Vitthalwadi railway station under a stone. Two mobile handsets were recovered from the Applicant. One of them was that of the deceased. Thus, at this stage, there is some material against the Applicant though it is circumstantial in nature. In this

background, Court has to consider the long incarceration of the Applicant. He is in custody since 21/05/2019. More than 5 ½ have passed. There is no justification for not recording the evidence in this case in spite of long incarceration. On that ground alone, the Applicant deserves to be released on bail.

7. Learned counsel for the Applicant submitted that the parents of the Applicant have expressed their resolve to take care of the Applicant and to see to it that he is not a danger to anybody else.

8. In view of this, though the learned APP opposed this application on merits, considering the long incarceration, the Applicant deserves to be released on bail.

9. Hence, the following order :

ORDER

- (i) In connection with C.R.No.364/2019, dated 21/05/2019, registered with Kolsewadi Police

Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall report to the concerned police station once every month till the conclusion of the trial.
- (iii) The application is disposed of accordingly.

(SARANG V. KOTWAL, J.)