



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

912 BAIL APPLICATION NO. 742 OF 2025

Arbaj Juber Sayyad

VERSUS

The State Of Maharashtra And Another

...

Mr. Shubham Anna Bochare and Mr. S. D. Gawate, Advocate for Applicant

Mr. P. P. Dawalkar, APP for Respondent/State

Mr. Yogesh H. Jadhav, Advocate for the informant

WITH

CRIMINAL APPLICATION NO. 1667 OF 2025

IN BA/742/2025

Deepa Krishna Musale

VERSUS

The State Of Maharashtra And Others

...

Mr. Yogesh H. Jadhav, Advocate for the informant

Mr. P. P. Dawalkar, APP for Respondent/State

AND

915 BAIL APPLICATION NO. 1669 OF 2025

Manjusha Raju Patil

VERSUS

The State Of Maharashtra

...

Mr. R. G. Hange and Mr. H. R. Hange, Advocates for Applicant

Mr. P. P. Dawalkar, APP for Respondent/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.10.2025

PER COURT :-

CRIMINAL APPLICATION NO. 1667 OF 2025

IN BA/742/2025

1. This is an application for assist to Public Prosecutor.

2. The learned advocate for the applicant is permitted to assist the Public Prosecutor.
3. The application is disposed of.

**BAIL APPLICATION NO. 742 OF 2025
AND
BAIL APPLICATION NO. 1669 OF 2025**

1. Heard.
2. These are the applications for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.277 of 2024, registered at Georai Police Station, District Beed for the offences punishable under Sections 302 and 201 r/w Section 34 of the Indian Penal Code, 1860.
3. The informant averred in the report that her brother Raju married with the applicant Manjusha six years prior to the incident. It was an inter caste marriage. They have a five year old daughter and a three year old son. There were frequent quarrels between Raju and Manjusha. When the informant asked Raju about it, he told her that Manjusha had an illicit relationship with Dhananjay Doijad. Because of that, their relations were not cordial. The informant tried to convince both of them to stay together peacefully. On 16.06.2024, there was a Jagran Gondhal programme at the informant's house. Accordingly, Raju stayed there for the entire day up to

09:00 p.m., After that, he went back to his house. On the next day i.e., 17.06.2024, when the informant called Raju's wife Manjusha in order to ask Raju's whereabouts, she gave doubtful answers. The informant thereafter inquired with the neighbours, particularly Rahul Kokane, Uddhav, Mahendra and Ganesh, who told her that up to 01:00 a.m., they heard sounds of quarreling between Raju and Manjusha from their house. They also heard voices of one or two other men and women. Raju was crying and shouting "Melo, Melo." Since there were daily quarrels between them, the neighbors did not give attention. After some time, the sounds of quarreling was stopped and they saw Dhananjay Doijad leaving the house and then returned in a swift car. On 17.06.2024 at around 07:00 p.m., the informant's husband Krishna informed her that Raju's dead body was found in the Godavari riverbed. His legs were tied with a Saree having injuries on his chest and stomach. The saree was identified as it is belonging to Manjusha. Therefore, the informant questioned Manjusha, she gave contradictory statements first saying that Raju had gone out on his scooty around 3:00 a.m., and later saying that he had left at about 1:30 a.m. as his friend had called him. Since her answers were doubtful, the informant lodged a report alleging that the applicant and co-accused Dhananjay Doijad and others have committed the murder of her brother Raju.

4. The learned advocates for the applicants submitted that the applicants have been falsely implicated in the crime. There is no eye-witness to the incident and the allegations made against them are false. It is submitted that the applicant Manjusha delivered a child on 20.02.2025. As she is in jail, she is unable to avail herself of the necessary health and medical care required after childbirth. It is further submitted that the name of the applicant Arbaj is not mentioned in the F.I.R. The applicants have roots in the society and they will not flee away from the trial. The trial will take a long period. It is lastly prayed to allow the applications.

5. In Bail Application No.1669 of 2025, the learned advocate for the applicant is relying upon the following authorities:

a. Rajesh Manoj Makwane Vs. The State of Maharashtra, in Petition for Special Leave to Appeal (Crl.) No.1068 of 2025, dated 03.09.2025, in which it is held that as the trial is likely to take sufficient time, and the petitioner has already undergone incarceration for more than a year, the applicant is held entitled for bail.

b. Ravinder Kumar Vs. State of NCT of Delhi, in Criminal Appeal No.918 of 2024, dated 06.03.202, in which it is held that the suspicion however strong it may be, cannot take the place of proof beyond reasonable doubt.

6. In Bail Application No.742 of 2025, the learned advocate for the applicant is relying upon the following authorities:

a. Kanhaiya Lal Vs. State of Rajasthan, reported in AIR 2014 SC (Supp) 788, in which the Hon'ble Supreme Court held that motive not established but on contrary it is proved that there are cordial relationship between accused and deceased for a long time- theory of last seen together is the singular piece of circumstantial evidence available against accused.

b. Omkar Sharanappa Patne Vs. State, reported in AIROnline 2022 KAR 1105, in which it is held that there was only one witness who had seen last seen deceased going towards his land except that there was no other witness who had last seen deceased in company of accused.

c. Haridwar Sinngh Alias Hari Singh Vs. State of Chhatisgarh, AIROnline 2023 CHH 177, in which it is held that prosecution case rested upon theory of last seen together which was not very strong piece of evidence. Some other circumstances have to be seen, apart from last seen theory to indicate commission of crime. Considering the facts and trial would take some time for conclusion, bail granted with conditions.

d. Navaneethakrishnan Vs. The State By Inspector of Polie, AIROnline 2018 SC 53, in which it is held that absence of eye witness to an incident prosecution having no direct evidence to prove its case. Recovery of camera and mobile from instance of disclosure statement of accused,

same unable to be proved that it belongs to deceased, neither identified by any of witnesses. No evidence adduced by prosecution as to how recovered objects have bearing on case. Chain of circumstance incomplete, accused entitled for bail.

e. Vihaan Kumar Vs. State of Haryana, AIR 2025 Supreme Court 1388, in which the Hon'ble supreme Court held that if the grounds of arrest are not communicated which mandatory requirement of Article 21 and 22 sub clause 1 it violates the fundamental right of the accused which gives ground to grant bail.

f. Sadhawi Pragya Singh Thakur Vs. State of Maharashtra, 1010 Cri.L.J 3267, in which it is held that Section 50-A has been added to the Criminal Procedure Code wherein the police officer now is obliged to give information as regards the arrest and place where the arrested person is being held forthwith to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for giving information Section 52 empowers the officer to seize offensive weapons.

h. Suraj Sanjay Botre Vs. State of Maharashtra, AIR Online 2025 Bom 430, in which it is held that accused was incarcerated since long. Till date there was no progress in trial except framing of charge. As per charge-sheet there were 46 witnesses proposed to be examined by prosecution. Trial was unlikely to conclude any time soon and was likely to take a

considerably long time. Although there was one antecedent against accused, same was of 2018 and accused was released on bail in that offence. If accused's detention further continues, it would amount to an infringement of his fundamental right under Article 21 of speedy trial, the accused was entitled for bail.

7. The learned APP for the State, assisted by the learned advocate for the informant, strongly opposed the application and submitted that the applicants are involved in a serious crime. They committed the murder of Raju in his house on account of an illicit relationship with his wife. It is submitted that there is strong evidence against the applicants and if they are released on bail, they may certainly pressurize the prosecution witnesses and tamper with the evidence. It is further submitted that although applicant Manjusha delivered a child on 20.02.2025 now more than seven months are over and on that ground also, bail cannot be granted. It is lastly prayed to reject the application.

8. Perused the charge sheet, particularly the report, post mortem report and seizure panchanama of the articles. The witnesses have stated that they heard commotion from the house where the incident took place, whereas the homicidal death of Raju is established from the post mortem report. The applicants are last seen by the witnesses with Raju while taking him for

treatment. The CA report shows the human blood on some of the seized articles is inconclusive as to its group but blood found on it is human blood. Therefore, the same cannot be a ground to grant bail to the applicants. The role of the applicants is established from the statements of witnesses. The motive for the commission of the crime is illicit relationship of applicant-wife of Raju. Meticulous consideration of the evidence at this stage is not expected. On broadly considering the material before the Court involvement of all the applicants is established. Although applicant Manjusha delivered a child on 20.02.2025 now more than seven months are over and on that ground also, bail cannot be granted. If the applicants are released on bail, they will certainly pressurize the prosecution witnesses and tamper with the evidence. They are booked for a serious crime of murder for which death penalty is prescribed by punishment.

9. As far as communication of grounds of arrest to the applicant is concerned, they have not raised such ground before the remand and trial courts. No such grounds were raised, therefore, the case laws relied upon is not helpful to the applicants. ***The State of Karnataka Vs. Sri Darshan, reported in 2025 INSC 979***, in which law is laid down that bail shall not be granted on technical lapses unless prejudice caused to the accused is shown. Moreover, the issue as to whether the grounds of arrest are required to be communicated in writing or not is currently sub-judice before the Hon'ble

Supreme Court. Therefore, the case laws cited by the applicants supra are not relied upon. Therefore, the applicant is not entitled to bail on merits and on the ground that the reasons of his arrest were not communicated to him. Considering all these reasons, no case is made out to allow the applications on the principle that bail is rule and jail is exception. The Bail Applications are rejected.

[SANJAY A. DESHMUKH, J.]

HRJadhav