

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1299 OF 2025**

Rahul Shantaram Ghadge ...Applicant

Versus

State of Maharashtra ...Respondent

Adv. Anandmaya Dhorde for the Applicant (through V. C.)

Ms. A. A. Takalkar, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C.

1. By this application, Applicant is seeking regular bail in Crime No.449 of 2023 registered with Karmala Police Station, District Solapur for the offences punishable under Sections 302, 364, 201 r/w Section 34 of the Indian Penal Code, 1860.

2. It is prosecutions case that during the period from 3rd June 2023 to 5th June 2023 the applicant and co-accused murdered the deceased and burnt his body on the ground that the deceased had elicited relations with the mother of applicant and accused no.1.

3. It is contention of learned counsel for the applicant that initially, the offence was registered against unknown persons. The

prosecution has not produced any documents on record to show that whether the deceased died due to burn injury or due to assault by the applicant and co-accused. The statements of witnesses Minabai Ghadge and Shivaji Pawar are recorded after one and two months after the incident. The applicant is behind bar more than 2 years. There is no progress in trial. The applicant has no antecedents and requested to allow the application.

4. It is contention of learned APP that the witness Minabai Ghadge is the mother of the applicant. She has stated that the applicant and co-accused had assaulted the deceased with wooden rod and thereafter they carried the deceased in car. The witness Shivaji Pawar has also witnessed the incident. There is direct evidence against the applicant. If the applicant released on bail, he may threaten the prosecution witnesses. The applicant had motive to kill the deceased. Hence, requested to reject the application.

5. I have heard both learned counsels, perused the FIR and documents produced on record.

6. Initially, the offence was registered against unknown persons thereafter, the prosecution recorded the statements of witness Shivaji Pawar on 14th July, 2023 and the witness Minabai Ghadge on 20th August, 2023, stating that these witnesses have witnessed the

incident. The deceased was murdered during the period from 3rd June 2023 to 5th June, 2023 and the applicant was arrested on 7th June 2023. After arrest of the applicant, the statements of these two witnesses are recorded i.e. after one month and two month. So evidentiary value of the statements of these witnesses can be considered at the time of trial. Applicant is behind bar more than 2 years. There is no progress in trial. Considering these facts, I pass following order :

ORDER

- I. The application is allowed;
 - II. The applicant be enlarged on bail in Crime No.449 of 2023 registered with Karmala Police Station, District Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - III. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The application is allowed in the aforesaid terms and is accordingly disposed off.
8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide

the case on its own merits in accordance with law and
uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)