

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

CRIMINAL BAIL APPLICATION NO. 2637 OF 2025

Suraj Sharad Mohite. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Niranjana Bhavake, a/w. Mr. Sushant Tayade i/b. Bhavake and Associates, Advocate for the Applicant.

Ms. Madhavi Mhatre, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th JULY, 2025.

P.C. :

1. Heard Mr. Niranjana Bhavake, learned Advocate for the Applicant and Ms. Mhatre, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No.3 of 2023 registered at Talbid Police Station for the offences punishable under Section 302, 454, 397 of the Indian Penal Code.

3. Said crime No. 3 of 2017 is now registered as Sessions Case No. 18 of 2023 and is pending on the file of the Additional Sessions Judge, Karad. Bail Application filed by the Applicant at Exh. 3 in Sessions Case No. 18 of 2023 was dismissed on 14th May,

2025.

4. Case of the prosecution is that Vimlabai Krishna Chavan(deceased) mother of the Complainant was found dead. Gold neckless and earrings worn by Vimlabai were found missing. Applicant was arrested on the ground of suspicion. Gold neckless was recovered at the instance of the Applicant.

5. Applicant was arrested on 5th January, 2023 and since then he is in jail.

6. Mr. Bhavake, learned Advocate for the Applicant submits that there are no eye witness to the crime. He submits that there is no material much less any circumstance which would raise suspicion on the Applicant. He submits that the Applicant is in jail for the period of about 30 months. He submits that though charge is framed, trial has not commenced.

7. Ms. Mhatre, learned APP for the State submits that though the Applicant was arrested on the basis of the suspicion, however, neckless of the deceased was recovered at the instance of the Applicant which is sufficient to implicate the Applicant in the crime.

8. I have perused the record with the assistance of the learned Advocates.

9. Prosecution case is based on circumstantial evidence. There are no eye witness to the alleged incident. Neckless is recovered at the instance of the Applicant. Perusal of the charge-sheet prima facie does not indicate any other material to support the prosecution case of the Applicant having committed murder. Applicant was arrested on suspicion. Circumstances alleged against the Applicant will have to be proved by the prosecution in trial. Applicant is incarcerated since 5th January, 2023. Except framing of charge, trial has not progressed any further as submitted by Mr. Bhavake.

10. Considering the long incarceration of the Applicant, Mr. Bhavake would be justified in pressing the right of the Applicant to speedy trial. Applicant cannot continue to be incarcerated as an under-trial indefinitely. Applicant is therefore entitled to bail.

11. In view of the above, present Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 3 of 2023 registered with Talbid Police Station, Taluka Karad, on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Karad.

(b) Applicant shall not tamper with prosecution evidence

and also 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 him/her from disclosing such facts to the Court or the Investigating Officer.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Talbid Police Station, Karad, District Satara.

(d) Applicant shall attend the Court on each date of hearing in Sessions Case No. 18 of 2023 pending before the Additional Sessions Judge, Karad, unless exempted.

12. Criminal Bail Application No. 2637 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)