

Rajput PR

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

BAIL APPLICATION NO.485 OF 2024

Amit Anant Bhuvad

...Applicant

Versus

State of Maharashtra

...Respondent

Mr Arun K. Rajput i/by Pankaj C. Jadhav, for the Applicant.

Mr Kiran C. Shinde, APP for the Respondent – State.

PSI – Nighot S.B., Malvani Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 9TH SEPTEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.943 of 2022 dated 12.07.2022 registered with the Malvani Police Station, Mumbai for the offences punishable under Sections 302 of the Indian Penal Code, 1860.

2. The case of the prosecution is that the Applicant was in an extramarital relationship with the deceased. On 11.07.2022, the Applicant and deceased went to Golden Nest lodge, Madh Marve Road, Malad (w) and booked themselves

in a room in the said lodge. Applicant gave his PAN Card and the deceased gave her Aadhar Card for identification. First Informant is the manager of the said lodge who admitted them on the fateful night.

3. It is the further case of the prosecution that at about 02:30 a.m., the room boy namely Abhay came to the First Informant and told him that the Applicant and the deceased were quarreling in their room and he heard a bottle being broken inside the room. When he knocked on the door to enquire if there was any problem, the deceased conveyed to him that there was no problem and they should be allowed to stay for the night in the said room. She also assured that they will not argue in loud voice. Hence, the room boy returned to his designated post. Thereafter, on the next date i.e. on 12.07.2022 at 09:00 a.m. in the morning, the First Informant – manager saw the Applicant leave alone. Thereafter, when the room was opened, the deceased was found lying on the bed in a nude state and she was unconscious. Thereafter, it

transpired that she was dead. Hence, the hotel manager made a complaint and accordingly FIR was registered.

4. The Applicant made an Application before the trial Court seeking bail. By order dated 11th July, 2023, the trial Court had dismissed his application. Hence, he has made present Application for seeking bail.

5. Heard Mr.Rajput, learned counsel for the Applicant and Mr.Shinde, learned APP representing the Respondent – State.

6. Mr.Rajput submits that the Applicant was arrested on 13.07.2022 and he has suffered incarceration of about 3 years and 2 months till date. He also brought to my attention the spot panchanma which records that the police recovered trousers with a belt attached to the said trousers. He submits that the case of the prosecution that the deceased was strangled with the belt by the Applicant cannot be believed. He also submits that it is possible that deceased

committed suicide by hanging herself by the belt from the blade of the fan. He submits that charges are not framed as yet and hence prays that Applicant be released on bail.

7. Per contra, Mr. Shinde has brought to my notice the statement of First Informant - manager which clearly indicates that *prima facie* it is the Applicant who is last seen with the deceased and was also seen leaving the lodge in the morning alone pursuant to which the deceased was found in an unconscious condition in the said room. This leads to irresistible conclusion that the Applicant is guilty of the offence, as alleged. He also points to the statement of the room boy who stated that he heard the Applicant and the deceased quarreling in the said room and also heard a bottle breaking inside the room. Mr. Shinde also relies on the statements of other hotel staff who also corroborate the statement of the room boy as well as the First Informant – manager. He thus submits that a *prima facie* case is made out against the Applicant and strongly resist the bail application.

8. I have gone through the statement of the First Informant as well as those of the of hotel staff. All the statements corroborate the statement given by the First Informant.

9. Be that as it may, the Applicant is arrested on 13.07.2022 and till date charges have not been framed. He has already suffered almost 3 years and 2 months' imprisonment. There are as many as 22 witnesses to be examined. The Applicant is married and has two children. He is the only bread winner of the family. The Applicant does not have any antecedents. It is unlikely that if he is released on bail he will commit a similar offence.

10. Considering the allegations made in the FIR and more particularly the fact that charges are not yet framed before the trial Court, a case for grant of bail is made out. The Application is therefore, allowed and it is directed as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the trial Court concerned on each and every date, unless specifically exempted by the orders of the trial Court concerned;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;
- iv) The Applicant shall not leave India, without the permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being

released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)