

Ashish

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

BAIL APPLICATION NO.772 OF 2024

Rahul Ramsunder Jaiwar	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Gaurav Bhawnani, for Applicant.

Ms. Supriya I. Kak, APP for State.

Mr.G.N. Gaikwad, PSI (Pairavi), Dharavi Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 94 of 2020, registered with Dharavi Police Station, Mumbai. The applicant is being prosecuted for the offence punishable under Section 302 of the Indian Penal Code, 1860, which relates to the charge of murder.

2. As per the case of the prosecution, the applicant is alleged to have committed the murder of his wife during the intervening night of 22nd February 2022 and 23rd February 2022 by assaulting her with a wooden stick. It is stated that the deceased sustained as many as 18 injuries as recorded in the postmortem report. The prosecution also relies upon the mobile phone location

records (CDR), which allegedly show the presence of the applicant at the spot of incident during the relevant time. Further, the prosecution relies upon an alleged extra-judicial confession made by the applicant before his mother-in-law. Additionally, a neighbour has stated that two days prior to the incident, he had overheard a quarrel between the applicant and the deceased. The applicant came to be arrested on 24th April 2022.

3. Learned Advocate Mr. Bhawnani appearing on behalf of the applicant has submitted that the entire case of the prosecution rests on circumstantial evidence. He argued that the prosecution has failed to establish a complete chain of circumstances that would lead to only one conclusion — that the applicant is guilty of the offence. It is his submission that neither the alleged extra-judicial confession nor the statement of the neighbour, in isolation or collectively, are sufficient to conclusively prove the applicant's guilt. The learned Advocate further submitted that the applicant has no prior criminal record and has roots in society. Hence, he prayed for grant of bail.

4. On the other hand, learned APP Ms. Supriya Kak appearing for the State has opposed the bail application. She has drawn the attention of this Court to the medical evidence in the form of postmortem report, which reveals 18 injuries on the body of the deceased. She has further pointed out that the weapon used — a wooden stick — was recovered from the mezzanine floor of the house, allegedly at the instance of the applicant. She also referred to the mobile phone location data which shows that the applicant was present at the location of the incident during the relevant

period. In her submission, the extra-judicial confession made before the mother-in-law of the deceased and the neighbour's statement about prior quarrels, when seen in conjunction with the other evidence, are sufficient to complete the chain of circumstances necessary to point towards the applicant's guilt. Hence, she prayed that the bail application be rejected.

5. I have carefully considered the submissions made by the learned counsel for the applicant as well as the learned APP for the State. I have perused the case papers, including the postmortem report, CDR details, statements of witnesses, and the recovery panchnama.

6. It is true that the postmortem report indicates that the deceased had sustained multiple injuries, and the nature of injuries suggests assault. However, it is important to note that the entire case of the prosecution is based on circumstantial evidence. There is no direct eyewitness to the incident.

7. As regards the alleged extra-judicial confession made before the mother-in-law, it is a well-settled principle of law that extra-judicial confessions are inherently weak in nature and need to be corroborated by cogent and convincing evidence. In the present case, there is no material to show that such confession was voluntary, truthful, or made without any pressure or influence. Therefore, at this prima facie stage, reliance cannot be safely placed upon such confession to deny bail.

8. Similarly, the statement of the neighbour only mentions that he had heard quarrels between the applicant and the deceased two

days before the incident. Such a statement may indicate strained relations but is not sufficient by itself to complete the chain of circumstances leading to the guilt of the accused beyond reasonable doubt.

9. The recovery of the wooden stick from the mezzanine floor of the house, although significant, does not conclusively prove the involvement of the applicant, especially in the absence of forensic evidence linking the weapon to the injuries caused or to the applicant. Likewise, the CDR location only shows the presence of the applicant at or near the spot, which is not unusual since it was his own residence.

10. The applicant has no criminal antecedents. He has been in custody since 24th April 2022, and no material is placed on record to show that he has misused liberty or tried to influence witnesses during the period of investigation. The charge-sheet is already filed. Trial is likely to take considerable time. Therefore, further custodial interrogation is not warranted.

11. Considering the totality of circumstances, and particularly the fact that the case rests entirely on circumstantial evidence, which appears to be lacking in forming a complete and unbroken chain pointing unerringly towards the guilt of the applicant, this Court is of the opinion that the applicant deserves to be enlarged on bail, subject to certain stringent conditions to ensure that he does not tamper with the evidence or influence witnesses.

ORDER

- (a) The application is allowed.
- (b) The applicant is directed to be released on bail in connection with C.R. No.94 of 2022 registered with Dharavi Police Station, on his executing P.R. Bond of ₹25,000/- (Rupees Twenty-Five Thousand Only) with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station once in a month.
- (c) The applicant shall not tamper with the evidence or attempt to influence any witness.
- (d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- (e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

(AMIT BORKAR, J.)