

VRJ

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

BAIL APPLICATION NO.795 OF 2024

Pappu @ Papdya Jalinder Jadhav	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Veerdhawal Deshmukh for the applicant.

Ms. Megha S. Bajoria, APP for the State.

Mr. Pramod Patil, PSI, Central Police Station, Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 29, 2025

P.C.:

1. The present bail application is preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime No. I-137 of 2023, registered at Central Police Station, Ulhasnagar, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860.

2. As per the prosecution case, the deceased, who was the husband of the first informant, had a prior enmity with the applicant and the other co-accused. It is alleged that on the date of the incident, the informant received information that her husband had been seriously assaulted. Upon rushing to the spot, she saw her husband lying in a pool of blood. He was immediately taken to

the hospital, where he was declared dead. Initially, a complaint was lodged against unknown persons, and accordingly, the aforesaid FIR was registered. During the investigation, it surfaced that the present applicant, along with a co-accused, had allegedly assaulted the deceased with a wooden log, resulting in his death, purportedly due to their earlier disputes.

3. Learned counsel appearing for the applicant submitted that the entire case of the prosecution is based purely on circumstantial evidence. It is argued that the only circumstances relied upon by the prosecution are the alleged motive, the recovery of a wooden log, and an extra-judicial confession allegedly made before the mother-in-law of the applicant. It is submitted that there is no eyewitness to the incident and that the important circumstance of the deceased being last seen in the company of the applicant is conspicuously absent. The applicant was arrested on 19th February 2023 and is in custody since then. The motive alleged is vague and general in nature, and by itself, it cannot be treated as incriminating. On this premise, learned counsel for the applicant prayed for release on bail.

4. On the other hand, the learned APP opposed the bail application and submitted that there was a physical altercation between the applicant and the deceased a day prior to the incident, due to which the applicant had sustained injuries. It is further submitted that on the day of the incident, the applicant had shifted his family to the residence of his mother-in-law at Ambarnath. Before leaving the house, and again upon returning, the applicant allegedly made extra-judicial confessions to his

mother-in-law, admitting his intention to commit the offence. The learned APP, therefore, contended that the applicant's involvement is supported by strong circumstantial links and that the application does not merit consideration.

5. I have carefully considered the submissions made by both sides and have perused the material placed on record. At the outset, it is to be noted that the case against the applicant rests entirely on circumstantial evidence. There is no eyewitness to the alleged incident. The FIR itself was lodged against unknown persons, and the name of the present applicant did not initially figure in the complaint.

6. The main circumstances relied upon by the prosecution are the alleged motive, recovery of a wooden log, and the extra-judicial confession made before the mother-in-law. However, it is well-settled that in cases based on circumstantial evidence, the chain of circumstances must be so complete that it leaves no reasonable ground for a conclusion consistent with the innocence of the accused. In the present case, such a complete chain is *prima facie* not established.

7. As regards motive, it is settled law that motive alone, in absence of other strong corroborative material, cannot form the sole basis for conviction, and by the same logic, cannot be a ground to deny bail when the other circumstances are weak or doubtful. The prosecution's version of motive is general in nature and does not disclose any proximate cause for the alleged offence.

8. Coming to the alleged recovery, it is to be noted that the

weapon recovered is a wooden log which, by its nature, is commonly available and not exclusive. No forensic report is placed on record to demonstrate any bloodstains or fingerprints linking the applicant to the said article.

9. The extra-judicial confession, which is an important piece of the prosecution's case, is stated to have been made before the applicant's mother-in-law. It is well-recognised in law that extra-judicial confessions are inherently weak pieces of evidence and require strong corroboration from other independent sources. In the present case, there is no such corroboration placed on record at this stage. Further, such confessions are prone to suspicion especially when made to interested or related witnesses, and in the absence of further connecting links, cannot by themselves justify continued incarceration.

10. The applicant has been in custody since 19th February 2023. The investigation is complete and charge-sheet has been filed. No further custodial interrogation is required. There is nothing on record to suggest that the applicant is a habitual offender or that he will flee from justice or tamper with the prosecution evidence, if released on bail.

11. The right to personal liberty under Article 21 of the Constitution is of paramount importance. In the facts and circumstances of the case, continued detention of the applicant during the pendency of trial, which may take considerable time, would not be justified.

12. In view of the above discussion, I am of the considered

opinion that the applicant deserves to be released on bail.

13. Hence, the following order is passed.

- i) The bail application is allowed;
- ii) The applicant Pappu @ Papdya Jalinder Jadhav is directed to be released on regular bail in connection with Crime No.I-137 of 2023 registered with Central Police Station, Ulhasnagar for offences punishable under Section 302 read with 34 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report the Central Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - 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.
 - f) Any breach of these conditions shall result in the

prosecution moving for cancellation of bail before the Trial Court.

14. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)