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

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BAIL APPLICATION NO.1422 OF 2024

Manoj Rajkumar Prajapati

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Moin Khan with Shafiya Shaikh and Ayyub Patel
for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

Mr. Sopan B. Wadkar, PSI (Pairavi), Sakinaka Police
Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2025

P.C.:

1. This is a bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release in connection with Crime No.1096 of 2022 registered at Sakinaka Police Station, Mumbai. The applicant is facing charges for offences punishable under Sections 302 and 452 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is that the complainant – one Rohit Lalman Ravidas – lodged the First Information Report (FIR) stating that the deceased Reema Bhola Yadav and the present applicant got married on 22nd December 2020. After marriage, the

deceased started residing with the applicant. However, it is alleged that the applicant frequently doubted the character of the deceased and used to subject her to harassment and threats. Due to this continuous ill-treatment, the deceased had started staying separately. It is further alleged that on 9th May 2022, the applicant murdered the deceased using a sharp weapon like a knife, causing serious bleeding injuries on her vital parts, which resulted in her death at the spot. Based on this incident, the complainant lodged the report with the police. Upon registration of the crime, investigation commenced, during which statements of various witnesses were recorded.

3. The learned advocate appearing for the applicant submitted that the entire case rests on circumstantial evidence. The only circumstances that the prosecution is relying upon are the alleged motive of the applicant and recovery of a blood-stained knife and clothes said to be belonging to the applicant. It is argued that the prosecution has failed to establish a complete and unbroken chain of circumstances that would point conclusively towards the guilt of the applicant. It is further submitted that the applicant has been in custody since 10th May 2022. The charges have already been framed. The prosecution has proposed to examine 20 witnesses. Looking at the pace at which trials ordinarily progress, there is little likelihood that the trial would conclude in the immediate future. In these circumstances, it is prayed that the applicant be released on bail, subject to suitable conditions.

4. On the other hand, the learned Additional Public Prosecutor opposed the bail application. It is submitted that there is sufficient

prima facie material on record against the applicant. The recovery of blood-stained clothes and weapon, which has been sent for forensic examination, along with statements of prosecution witnesses, are adequate to justify further detention of the applicant at this stage. It is further argued that releasing the applicant on bail at this stage may adversely affect the trial and may lead to tampering with evidence or influencing witnesses. Hence, it is prayed that the application for bail be rejected.

5. I have carefully considered the submissions made by the learned advocate for the applicant and the learned APP for the State. I have also gone through the material placed on record, including the FIR, post-mortem report, panchnama, and statements of witnesses recorded during the course of investigation.

6. It is not in dispute that the present case is based entirely on circumstantial evidence. There is no direct eye-witness to the alleged incident of murder. The prosecution case is primarily based on two circumstances: (i) the alleged motive arising from the strained marital relationship between the applicant and the deceased, and (ii) recovery of a blood-stained knife and clothes said to have been recovered at the instance of the applicant.

7. As regards the alleged motive, it is well-settled that motive alone cannot establish the guilt of the accused in a case resting on circumstantial evidence. The motive may only be a starting point. It is further necessary for the prosecution to establish an unbroken and complete chain of circumstances which points only and

unerringly to the guilt of the accused and rules out any hypothesis of innocence.

8. Coming to the recovery of the knife and blood-stained clothes, it is to be noted that the forensic reports confirming the presence of human blood matching the blood group of the deceased are not yet placed on record. Moreover, these are matters which will be tested in detail during the course of trial.

9. The applicant has been in custody since 10th May 2022, i.e., for more than two years. The charges have been framed. Out of 20 witnesses cited by the prosecution, not a single witness has been examined so far. There is no certainty as to when the trial will actually commence or conclude. In such circumstances, the continued incarceration of the applicant would amount to pre-trial punishment, which is not permissible under law.

10. It is not the case of the prosecution that the applicant has criminal antecedents or that he poses a flight risk. No material is brought on record to suggest that if released on bail, the applicant would tamper with evidence or influence the witnesses. Appropriate conditions can be imposed to ensure his presence during trial and to safeguard the interest of justice.

11. In view of the above discussion and having regard to the overall facts and circumstances of the case, I am of the opinion that this is a fit case for grant of bail.

12. Hence, the following order is passed.

13. The applicant Manoj Rajkumar Prajapati is directed to be

released on bail in connection with Crime No.1096 of 2022 registered at Sakinaka Police Station for offences punishable under Sections 302 and 452 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 not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- c) The applicant shall report to the Sakinaka Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
- 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.

14. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)