

AGK

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

BAIL APPLICATION NO.3282 OF 2024

Karan Singh Ramsingh Chauhan ... Applicant

V/s.

The State of Maharashtra ... Respondent

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2025.08.21
15:04:51
+0530

Ms. Sadhna Singh for the applicant.

Ms. Supriya Kak, APP for the respondent-State.

Mr. Sachin Desai, PSI, Shantinagar Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.PC." for short), the applicant seeks his release on regular bail in connection with Crime Register No. 310 of 2020 registered with Shantinagar Police Station for offences punishable under Sections 302, 201 and 24 of the Indian Penal Code, 1860 ("IPC" for short).

2. The prosecution case, in brief, is that on 12th April 2020, one Pradip Joshi, son of deceased Krushna Ganpat Joshi aged about 72 years, lodged a missing report in respect of his father. It is alleged that the deceased had rented out one tenement to co-accused Lata @ Jyoti Rathod, who was residing there as his tenant. The present applicant was also staying in the nearby vicinity on

rental basis. The prosecution further alleges that the applicant was in a love affair with co-accused Lata. The deceased was opposed to such relationship and had warned both the applicant and the co-accused not to indulge in any objectionable behaviour in the locality. This resulted in grudge against the deceased, and it is alleged that the applicant and the co-accused conspired to teach him a lesson.

3. On 11th April 2020, at about 11.20 p.m., the deceased was seen visiting the chawl premises where his rented room was situated. Around 11.45 p.m., when the deceased was alone in a room adjacent to the room of the co-accused Lata, the applicant and the co-accused allegedly accosted him. It is alleged that the co-accused pushed the deceased down and both of them caught hold of his hands. The applicant tried to throttle him, but when the deceased resisted, the applicant picked up a stone and hit him on his chin. Thereafter, he again pressed the neck of the deceased till he succumbed. It is further alleged that after committing the offence, the applicant and the co-accused disposed of the dead body in order to cause disappearance of evidence.

4. Learned Advocate for the applicant submits that the applicant was arrested on 6th May 2020 and is in custody since then. The charges have already been framed. The prosecution has cited 29 witnesses, and therefore, the trial is not likely to be concluded in the near future. It is further submitted that the entire case of the prosecution rests on circumstantial evidence, the principal circumstances being motive and recovery of stone. Learned Advocate points out that the co-accused, against whom

also motive is alleged, has been granted bail by this Court. On the ground of parity as well as prolonged incarceration without conclusion of trial, it is urged that the applicant deserves to be enlarged on bail.

5. Per contra, learned APP has strongly opposed the application. She submits that the offence alleged is of grave nature involving the brutal murder of a senior citizen aged 72 years. The materials on record indicate motive for the offence and also recovery of the incriminating stone at the instance of the applicant. The relationship of the applicant with co-accused Lata and their common intention to eliminate the deceased form important links in the chain of circumstances. It is therefore submitted that considering the seriousness of the crime and the role attributed to the applicant, no case for grant of bail is made out and the application deserves to be rejected.

6. I have carefully considered the submissions of the learned Advocate for the applicant and the learned APP for the State. I have also perused the material placed on record. It is not in dispute that the applicant has been in custody since 6th May 2020, i.e. for more than five years. The charges have already been framed and as many as 29 witnesses are cited by the prosecution. The possibility of the trial concluding in the near future is thus remote.

7. The case of the prosecution is based entirely on circumstantial evidence. The two principal circumstances relied upon are the alleged motive arising from the love affair of the

applicant with the co-accused, and the recovery of a stone said to have been used in the commission of offence. At this stage, without going into the merits of the evidence in detail, it is sufficient to note that the case rests on inferences to be drawn at trial.

8. It is also a matter of record that the co-accused Lata @ Jyoti Rathod, against whom the allegation of motive is equally made, has already been released on bail by this Court.

9. Having regard to the prolonged period of incarceration undergone by the applicant, the fact that the trial is not likely to conclude in the near future, and keeping in mind the principle of parity with the co-accused already on bail, I am of the opinion that further detention of the applicant is not warranted. At the same time, appropriate conditions can be imposed to ensure that the applicant does not misuse the liberty.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No310 of 2020 registered with Shantinagar Police Station for offences punishable under Sections 302, 201 and 24 of the IPC, 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 evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the Shantinagar Police Station twice a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(d) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(e) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)