

AGK

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

BAIL APPLICATION NO.3701 OF 2024

Santosh Bhau Humane	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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GANESH
KULKARNI

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Mr. Vinod Kashid fwith Sumit Bhoite or the applicant.

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

Mr.

CORAM : AMIT BORKAR, J.

DATED : JULY 22, 2025

P.C.:

1. The present application for grant of bail has been preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.PC.”), seeking his release in connection with Crime Register No. 35 of 2024, registered with Vashiind Police Station for offences punishable under Sections 302 and 75 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”).

2. As per the case of the prosecution, the informant is the owner of Heena Metal Private Limited Company. The deceased, Rahulkumar Yadav, was employed in the said company as a supervisor, whereas the applicant-accused, Santosh Humane, was working as a security guard (watchman). It is alleged that the deceased used to keep a check on the workers of the factory, and

whenever anyone was found avoiding work, he would take their photograph and send the same to the owner of the company.

3. The prosecution alleges that on the day of the incident, the accused was on night duty and had fallen asleep while on duty. The deceased clicked his photograph and forwarded it to the owner of the company. As a consequence, the employer deducted ₹4,000/- from the salary of the accused. This allegedly led to the accused harboring anger and resentment towards the deceased.

4. It is the case of the prosecution that on 5th March 2024, at around 11:00 p.m., when the deceased was present alone in the gallery on the second floor of the factory, the applicant came there on the pretext of giving him ice cream. Seizing the opportunity, the applicant allegedly assaulted the deceased with an iron tab cock on his head, then strangled him with a plastic rope and thereafter threw his dead body from the second floor of the building.

5. Learned counsel appearing on behalf of the applicant has submitted that the entire case of the prosecution rests on circumstantial evidence. It is submitted that the prosecution is relying upon three key circumstances – namely, the ‘last seen together’ theory, recovery of alleged murder weapons, and the alleged motive. The learned counsel points out that the motive being attributed to the applicant arises from an incident that had taken place nearly three months prior to the incident in question, and that such motive is too weak and stale to be relied upon. It is further argued that the CCTV footage relied upon by the prosecution is dated 25th February 2024 and not of the date of the

incident. Even if the CCTV footage is accepted, it only shows the applicant and deceased entering the factory premises, which by itself is not incriminating. The recovery of blood-stained clothes, according to learned counsel, is not sufficient to conclusively link the applicant with the alleged offence, especially when the chain of circumstances remains incomplete. On these grounds, the learned counsel urges that the applicant be released on regular bail.

6. On the other hand, the learned APP has strongly opposed the bail application. He submits that the chain of circumstances in this case is complete and unbroken. He submits that the 'last seen' theory is clearly established by CCTV footage which shows the applicant and the deceased together in the factory premises shortly before the incident. As regards motive, the learned APP submits that the complaint made by the deceased against the applicant in December 2023, pointing out that the applicant was sleeping during duty hours, was a serious matter as it had resulted in deductions from the salary of the applicant and had jeopardized his employment. He further points out that the applicant is a previously convicted person, who has undergone life sentence for offence under Section 302 of IPC and was recently released. The grievance of the applicant against the deceased, who kept sending his photos to the employer, thereby causing salary deductions, had created sufficient motive to commit the present offence.

7. The learned APP further submits that the iron tab cock and the plastic rope, which are alleged to be used in the commission of the crime, were recovered at the instance of the applicant from a

place which was within his exclusive knowledge. Blood-stained clothes were also recovered from the applicant and the same have been sent for forensic examination. Moreover, some witnesses have stated that they had seen the applicant giving ice cream to the deceased on the relevant night, and that the applicant appeared frightened and nervous when he returned. These circumstances, taken together, according to the learned APP, form a complete chain pointing towards the guilt of the applicant. Hence, it is urged that no case for grant of bail is made out and the application deserves to be rejected.

8. I have carefully considered the rival submissions advanced by the learned counsel for the applicant and the learned APP for the State. I have also perused the material placed on record, including the statements of witnesses, panchnama of recoveries, and the CCTV footage relied upon by the prosecution.

9. It is a settled position of law that in cases based on circumstantial evidence, bail can be considered only when the chain of circumstances appears to be incomplete or disconnected, such that the applicant's involvement becomes doubtful. However, in the present case, prima facie, the prosecution has brought on record a consistent and coherent set of circumstances, which together form a complete chain pointing towards the applicant's involvement in the crime.

10. Firstly, the "last seen together" theory appears to have been established through CCTV footage, which shows the deceased and the applicant entering the premises of the factory. It is not in

dispute that the applicant was on night duty and the deceased was also present in the factory. After the incident, the deceased was found dead with visible injuries, and the cause of death has been stated to be assault on the head and strangulation.

11. Secondly, motive in a case based on circumstantial evidence plays a crucial role. The applicant had a clear grievance against the deceased, who had on previous occasions taken his photographs while he was sleeping during duty hours and forwarded them to the employer. This act of the deceased had not only led to deduction of salary of the applicant but had also endangered his employment. In fact, the prosecution has placed material on record to show that the employer had taken adverse action against the applicant based on the deceased's complaints. It has also come on record that the applicant had previously undergone life imprisonment for an offence under Section 302 of the IPC and was released recently. In this background, the prosecution's case that the applicant was harboring deep-seated animosity against the deceased cannot be brushed aside.

12. Thirdly, the recovery of the weapon of offence, i.e., an iron tab cock and a plastic rope, is from a place that was allegedly disclosed by the applicant during custodial interrogation and was within his exclusive knowledge. Such recovery, under Section 27 of the Indian Evidence Act, gains significance in establishing the link between the accused and the crime. Further, blood-stained clothes of the applicant were seized and have been forwarded to the Forensic Science Laboratory (FSL). The outcome of the FSL report may further strengthen the prosecution case, but even at this

stage, the presence of blood stains on the applicant's clothes, immediately after the incident, is a strong incriminating circumstance.

13. Apart from these three key circumstances, the prosecution has also relied upon witness statements indicating that the applicant had gone to give ice cream to the deceased shortly before the incident and had returned thereafter in a frightened and anxious condition. Though each circumstance taken individually may not be conclusive, taken collectively, they form a complete chain pointing unerringly to the guilt of the applicant, and excluding every other hypothesis except the one indicating the applicant's complicity.

14. In a case of such grave and heinous nature, involving a brutal assault leading to the death of a fellow employee, and where the material on record indicates prima facie involvement of the applicant, I am of the considered view that this is not a fit case for granting bail. The possibility of the applicant tampering with evidence or influencing witnesses cannot be ruled out, particularly when he is already a convict under Section 302 IPC and is now facing trial for another offence of similar nature. Grant of bail in such circumstances may not only affect the fair progress of the trial but may also send a wrong signal to society.

15. Hence, having regard to the totality of the facts and circumstances of the case, the nature and gravity of the offence, the role attributed to the applicant, and the material collected during investigation, I am of the opinion that the applicant does

not deserve the benefit of bail at this stage.

16. The bail application stands rejected.

(AMIT BORKAR, J.)