

PPK

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

BAIL APPLICATION NO. 3915 OF 2024

Vyankatesh Rajmani Murlidhar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Niranjan Mundargi, i/b. Ms. Keral Mehta for applicant.

Mrs. Rajashree V. Newton, APP for respondent-State.

PSI R. K. Chavan, Kandivali Police Station, Mumbai.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 06, 2025

P.C.:

1. By the present application, filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant has prayed for grant of regular bail in connection with Crime Register No. 830 of 2021 registered with Kandivali Police Station, Mumbai. The applicant is facing charges for offences punishable under Sections 201 and 302 read with Section 120-B of the Indian Penal Code, 1860.

2. The brief case of the prosecution is as follows: On 24th September 2021, around 4:00 a.m., the informant had woken up to answer nature's call and proceeded towards a nearby public toilet. Upon entering, he noticed a man lying inside, clothed only in a black pant, and drenched in a pool of blood. The body bore deep cut injuries on both sides of the head, and blood was visibly

oozing from the wounds. The informant further observed multiple other injuries including signs of strangulation and cuts on the neck, eyes, chest, and other parts of the body. Taken aback by the gruesome sight, the informant immediately informed one Bipin Jaiswal, who then alerted the police. Upon receiving the information, the police reached the spot and moved the body of the deceased, later identified as Anwar Sayyed, to Shatabdi Hospital. On the basis of the statement and other preliminary information, an FIR came to be lodged on the same day i.e., 24.09.2021.

3. Learned counsel appearing for the applicant submits that the applicant was arrested on the very same day, i.e., 24.09.2021. He contends that the entire prosecution case rests on circumstantial evidence, and there is no direct evidence implicating the applicant. It is submitted that the only material relied upon by the prosecution is an extra-judicial confession allegedly made by the applicant before a witness, which was recorded after a delay of five days post the arrest. He submits that barring this alleged confession, no other incriminating material has been produced on record by the investigating agency. Learned counsel submits that such an extra-judicial confession, without corroboration, does not inspire confidence, and hence the applicant deserves to be enlarged on bail.

4. Per contra, the learned Additional Public Prosecutor strongly opposes the bail application. She submits that the extra-judicial confession made by the applicant is clear, voluntary, and inspires confidence. She further argues that even a conviction can be

sustained solely on the basis of such a confession, if found trustworthy by the Court. It is also pointed out that the applicant has criminal antecedents and, therefore, releasing him on bail may not be in the interest of justice. She, therefore, prays for rejection of the present application.

5. I have considered the rival submissions advanced by the learned counsel for the applicant and the learned APP. I have also gone through the case diary, charge-sheet, and the relevant material placed on record.

6. It is not in dispute that the present case is based on circumstantial evidence. There is no eyewitness to the alleged incident. The case of the prosecution hinges primarily on an extra-judicial confession allegedly made by the applicant before a witness, which is said to have been recorded five days after the applicant's arrest.

7. It is a settled position in law that an extra-judicial confession, though admissible in evidence, is a weak piece of evidence and requires corroboration from other material on record. In the present case, there is no other independent corroborative material shown to exist that would connect the applicant to the crime, apart from the said extra-judicial statement.

8. Further, there is no recovery of weapon, blood-stained clothes, or any incriminating material at the instance of the applicant. The prosecution has not demonstrated any motive on the part of the applicant, nor shown any prior or subsequent conduct to infer involvement in a conspiracy under Section 120-B

IPC.

9. It is also relevant to note that the applicant has been in custody since 24.09.2021, i.e., for nearly four years. The trial is yet to commence, and it is stated that charges are yet to be framed. Thus, in the absence of any serious apprehension of the applicant fleeing from justice or tampering with evidence or influencing witnesses, prolonged incarceration without progress in trial would amount to pre-trial punishment.

10. As regards the argument of antecedents, it is well-settled that mere pendency of cases or previous history cannot by itself be a ground to deny bail, unless such antecedents have a direct bearing on the present case or show a consistent pattern of habitual criminal conduct.

11. Considering the overall facts and circumstances, the nature of evidence against the applicant, the length of custody undergone, and the fact that trial is likely to take considerable time, this Court is of the opinion that the applicant has made out a case for grant of bail.

12. Hence, the following order is passed:

13. The applicant Vyankatesh Rajmani Murlidhar is directed to be released on regular bail in connection with Crime Register No.830 of 2021, upon furnishing a personal bond of ₹ 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 Kandivali Police Station once a 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. He shall not contact the victim or her family members.
- c) The applicant shall not enter the limits of Kandivali Police Station during the pendency of the trial, except for the purpose of attending the police station.
- d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- f) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- g) 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.)