

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

BAIL APPLICATION NO. 3970 OF 2024

Mukesh Gupta ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Misbaah Solkar, Advocate for the Applicant.

Smt. Sangeeta D. Shinde, APP for the State.

API Hanif Shaikh, Waliv Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th MARCH, 2025.

P.C. :

1. The applicant is seeking regular bail in Crime No. 967 of 2021 registered with Waliv Police Station under Sections 302, 201 of the Indian Penal Code and Sections 3 and 25 of the Arms Act. It is the prosecution case that the applicant along with co-accused murdered the deceased as the deceased repeatedly asking amount from the applicant which was lent to him by the deceased. It is the contention of learned counsel for the applicant that the prosecution case is based on circumstantial evidence. The dead body was found in decomposed condition. Police has recovered knife at the instance of the applicant on the said spot of incident from where the dead body of the deceased was recovered. The applicant is behind the bar more than four years. Yet the trial has not been concluded. The co-accused has been released on bail by this Court. It may take time to conclude the trial. Hence, requested to allow the application.

2. It is the contention of the APP that the applicant along with co-accused

murdered the deceased. There was last call between the applicant and the deceased. The dead body of the deceased was recovered at the instance of the applicant. There is *prima facie* strong case against the accused. Hence, requested to reject the application.

3. I have heard both learned counsel. Perused charge-sheet. The prosecution case is based on circumstantial evidence. It is alleged that before the incidence, there was exchange of calls between the applicant and the deceased. The applicant murdered the deceased on the count that the deceased had lent an amount to the applicant and the applicant was not repaying the same. Hence, he was repeatedly demanding the said amount. As prosecution case is based on circumstantial evidence, it needs evidence to prove it. The co-accused has been released on bail. The applicant is behind bar more than four years. It may take time to conclude the trial. Considering this fact, I pass following order: -

ORDER

- (i) The applicant be enlarged on bail in Crime No. 967 of 2021 registered with Waliv Police Station on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the trial regularly.
- (iii) The applicant shall attend the concerned police station as and when required.
- (iv) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The Bail Application stands allowed in the aforesaid terms and disposed of accordingly.

5. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

6. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

Amk