

Ashish

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

BAIL APPLICATION NO. 4284 OF 2024

Vakil @ Sanu Abbas Mansuri	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Aniket Vagal a/w Mr. Kunal Pednekar, Ms. Savvy Kolhekar, Ms. Juhi Kadu for the Applicant.

Mrs. Shilpa G. Talhar, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 25, 2025

P.C.:

1. This is a bail application filed by the applicant under *Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking regular bail in connection with *Crime Register No. I-482 of 2020*, registered at *Shantinagar Police Station, Bhiwandi, District Thane*. The applicant is facing prosecution for offences punishable under *Sections 302 and 120B of the Indian Penal Code, 1860*, and *Sections 3, 25, and 27 of the Arms Act, 1959*.

2. As per the case of the prosecution, the applicant and the deceased are related to each other, and there was a longstanding dispute between them concerning ancestral property located in the State of Uttar Pradesh. It is alleged that on *20th August 2020*, at around *10:30 p.m.*, when the deceased was on his way home, the

applicant, along with other co-accused persons, in furtherance of a criminal conspiracy, opened fire at the deceased, causing him serious injuries. The deceased was taken for medical treatment, but during the course of treatment, he succumbed to the injuries. The applicant came to be arrested much later, on *24th February 2024*, in connection with the said crime.

3. The learned Advocate Mr. Aniket Vagal, appearing for the applicant, submitted that the only material on record against the applicant is a CCTV footage that allegedly shows three individuals walking away from the scene of the offence. He submits that the prosecution has neither recovered any weapon from the applicant nor placed on record any forensic or eyewitness evidence that directly links the applicant with the incident. He further contends that mere strained relations or property disputes between the applicant and the deceased cannot by itself be a sufficient ground to keep the applicant in custody when no concrete material is available to prima facie indicate his active role in the offence. He, therefore, prayed for grant of bail to the applicant on appropriate terms and conditions.

4. On the other hand, the learned APP Mrs. Shilpa G. Talhar, appearing for the State, strongly opposed the bail application. She submitted that the CCTV footage shows the applicant in the company of other accused persons fleeing from the vicinity of the spot soon after the incident. She further submits that the existence of a motive arising out of a family dispute over property lends credibility to the prosecution's case and supports the theory of a pre-planned assault. According to her, the material available on

record is sufficient, at this stage, to raise a strong suspicion of the applicant's involvement in the offence, and therefore, the application does not deserve consideration.

5. Upon considering the rival submissions and on careful perusal of the charge-sheet and other material placed on record, this Court finds that the prosecution case is largely based on circumstantial evidence. The CCTV footage relied upon by the prosecution merely shows three persons fleeing away from the general area of the incident, without any clear identification or incriminating act being visible. At this stage, there is no direct eyewitness who attributes any specific overt act to the present applicant.

6. There is no recovery of any weapon of offence from the applicant. The ballistic or forensic linkage between the bullet injury suffered by the deceased and any act of the applicant is also absent. No Test Identification Parade (TIP) appears to have been conducted, nor is there any recovery under Section 27 of the Evidence Act against the applicant. The implication of the applicant appears to be primarily on the basis of his past inimical relations with the deceased and his familial ties, which by themselves, without substantive supporting evidence, cannot form the sole basis for denying bail, especially in a case where the applicant was arrested nearly *three and a half years after the date of the incident*.

7. Further, the investigation is stated to be complete and charge-sheet has been filed. The applicant is in custody since *24th*

February 2024. The trial is yet to commence and is likely to take considerable time for completion. Continued incarceration of the applicant, in the absence of cogent material connecting him directly to the act of murder, would amount to pre-trial punishment, which is not the purpose of detention pending trial.

8. There is nothing on record to suggest that the applicant, if released on bail, is likely to abscond or tamper with the evidence or influence witnesses. Appropriate conditions can be imposed to ensure his presence during trial.

9. In this background, a case for grant of regular bail is made out.

ORDER

(a) The application is allowed.

(b) The applicant is directed to be released on bail in connection with C.R. No. I-482 of 2020 registered with Shantinagar Police Station, Bhiwandi, District Thane, for offences punishable under Sections 302, 120(B) of the IPC, on his executing P.R. Bond of ₹25,000/- (Rupees Twenty-Five Thousand Only) with one or more sureties in the like amount.

(c) The applicant shall not tamper with the evidence or attempt to influence any witness.

(d) The applicant shall report to the Investigating Officer on the first Monday of every month between 10:00 a.m. and 12:00 noon, for a period of three months.

(e) The applicant shall furnish his current residential address and contact number to the Investigating Officer and shall not change the same without prior intimation to the Court.

(f) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

(f) Breach of any of the above conditions shall entail cancellation of bail.

(AMIT BORKAR, J.)