

VRJ

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

BAIL APPLICATION NO.4643 OF 2024

Manohar Ravishankar Shukla	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Ashok Kumar Dubey with Mr. Anil Kumar Pandey
i/by SAVJ Law Solutions for the applicant.

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

Mr. Anil More, PSI, Naigaon Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. By the present application preferred under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, the applicant is seeking his release on regular bail in connection with Crime Register No. 0291 of 2023 registered with Nayagar Police Station, District Palghar, for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860 (for short, "IPC").

2. The prosecution case, in brief, is as follows: The first informant, a female by profession a hairdresser working in the film industry, has been residing alone for the past five months. She has two brothers and one sister, namely Ms. Naina Ramchandra Mahat, who is unmarried and also worked as a hairdresser in the film industry. Ms. Naina was residing at Flat No.1402, Building 1-

C, Suntech Society, Tiveri Road, Naigaon (East) since April 2023. Prior to that, she was staying with one of her acquaintances, namely Jayesh Bhatia, at Evershine Building, Vasai (East).

3. It is the case of the informant that on 12th August 2023, one make-up artist known to her and her sister, namely Dada Pramod Saha, attempted to contact her sister Naina over phone. However, despite repeated calls, she did not respond. He then inquired with the informant whether her sister was staying with her. The informant too tried to contact her sister on both her mobile numbers, but the phones were found to be switched off. She also noticed that there was no activity from her sister's social media accounts. Being apprehensive about her safety, the informant lodged a missing person complaint.

4. The informant has further disclosed that in the year 2019, her sister Naina had been assaulted by the present applicant, Manohar Shukla, and had lodged a complaint against him at Virar Police Station. At that time, her sister had even shown her a photograph of the applicant. It is further alleged that the applicant used to repeatedly threaten her sister with dire consequences and used to pressurize her to withdraw the said complaint. Out of fear, the informant had even planned to stay with her sister for about a month during July 2023.

5. It is further alleged that the applicant herein is also the person against whom Naina had lodged a First Information Report (FIR) alleging commission of rape. The informant has contended that since 12th August 2023, her sister has not contacted her, any

other family member or her friends, and that there has been a complete breakdown of communication. Based on these circumstances, the informant is firmly of the belief that the applicant, Manohar Shukla, is responsible for the murder of her sister Naina and for having disposed of her body prior to 12th August 2023.

6. Learned Advocate for the applicant, while urging for grant of bail, submitted that the present case initially commenced with a missing report in respect of the victim. Subsequently, a dead body was discovered in the State of Gujarat. It was contended that the identification of the deceased was not carried out by direct viewing of the corpse by the informant or any close relative. Instead, the identification was allegedly based on a photograph of the dead body, coupled with identification of certain ornaments found on the body and a tattoo marked on the hand of the deceased. It is submitted that by the time the First Information Report came to be lodged, the dead body had already been disposed of.

7. The learned Advocate further submitted that the prosecution seeks to rely on the 'last seen together' theory, which is based on CCTV footage allegedly showing the applicant accompanying the deceased into the building where she resided. It is pointed out that this footage pertains to a location in Mumbai, whereas the dead body was ultimately found in the State of Gujarat. Thus, according to the learned Advocate, the geographical disconnection between the place where the deceased was last seen with the applicant and the place where her body was recovered, makes the 'last seen' theory inapplicable and insufficient to implicate the applicant.

8. The learned Advocate also submitted that the last mobile tower location of the applicant and his wife was approximately 30 to 34 kilometers away from the location where the dead body was found. The alleged trolley bag said to have been used for transporting the body has not been recovered by the investigating agency. It was argued that according to the prosecution, the applicant transported the dead body of the deceased in a blue coloured trolley bag on a two-wheeler. However, there is no CCTV footage made available by the prosecution showing the applicant exiting the building with the body or transporting the same to Gujarat. It is submitted that the entire stretch from the deceased's building in Mumbai up to the location in Gujarat, where the body was discovered, remains unsupported by any CCTV footage.

9. It is further submitted that the applicant was arrested on 12th September 2023. However, till date, the prosecution has not framed any charge against him. In these circumstances, it is urged that the continued incarceration of the applicant is not warranted and that he be released on regular bail, subject to appropriate conditions.

10. Per contra, the learned Additional Public Prosecutor opposed the bail application and submitted that the prosecution has placed on record a complete and unbroken chain of circumstances which collectively and convincingly point towards the guilt of the applicant. It is submitted that the applicant had a strong motive to eliminate the deceased, who had lodged a criminal complaint dated 17th August 2019 against him under Sections 376(2)(n), 392, 324, 323 and 504 of the Indian Penal Code. Additionally,

another FIR was lodged by the deceased against the applicant under Sections 323, 324, 504, 506, and 34 of the IPC. The applicant was allegedly pressurizing the deceased to withdraw these complaints.

11. The learned APP invited attention to the CCTV footage of the building where the deceased resided. Said footage, according to the prosecution, clearly shows the applicant, his wife, and the deceased entering the elevator of the building. The lift indicator shows the lift halting at the 14th floor, the floor where the deceased was residing. The timing of this footage is stated to be from 12:46:36 p.m. to 12:48:17 p.m. on 9th August 2023. Subsequently, another CCTV clip from the same building, captured at 15:49:55 hours on the same date, allegedly shows the applicant entering the lift with a blue coloured trolley bag. Later that night, at 21:41:30 hours, the applicant is again seen entering the lift with his wife and a small child. After the lift halts at the 14th floor (indicated by the red number '14'), they are seen exiting. Again, at 21:56:21 hours, the applicant is seen entering the lift with the same blue coloured trolley bag, along with his wife and the child.

12. The learned APP submitted that technical evidence in the form of Call Detail Records (CDR) and tower location data of the mobile phones of the applicant and his wife has been collected through expert analysis. These records, supported by a route map dated 10th August 2023, show that both mobile phones were located near the place in Gujarat where the body was discovered. Moreover, the decomposed body was found along with mustard seeds. A shopkeeper has allegedly identified the applicant as the

person who had purchased those mustard seeds, thereby providing another link in the circumstantial chain.

13. It is further submitted that the key of the deceased's flat was recovered from the possession of the applicant. The deceased's sister has identified the body based on distinctive ornaments and a tattoo on the hand of the deceased. Statements of witnesses also confirm that on the relevant date, the applicant was seen riding a two-wheeler along with his wife and a trolley bag, near the spot in Gujarat where the body was dumped. Children from the area near the scene of recovery are also said to have seen the same blue trolley bag in nearby bushes and found mustard seeds inside when they opened it out of curiosity.

14. In view of the aforesaid chain of circumstances, consisting of motive, last seen theory, technical evidence, recovery of incriminating articles, and witness statements, the learned APP submitted that the applicant's involvement in the heinous offence is evident and the application for bail deserves to be rejected.

15. I have given my anxious consideration to the submissions advanced by the learned Advocate for the applicant and the learned Additional Public Prosecutor. I have perused the material placed on record including the statements of witnesses, CCTV footage details as narrated, mobile phone location data, and other documents relied upon by the prosecution. Upon careful consideration, this Court is not inclined to grant regular bail to the applicant for the following reasons.

16. Firstly, though the defence has raised doubts regarding the

identification of the deceased, it is evident that the body was identified by the sister of the deceased based on a distinctive tattoo on the deceased's hand and the ornaments found on the body, which are stated to have been consistently worn by the deceased. While it is true that the body was decomposed and not directly shown to the informant, identification through such means has been recognised in law as a relevant circumstance. No contrary material has been placed on record by the applicant to discredit such identification.

17. Secondly, the prosecution has relied upon CCTV footage from the building where the deceased resided, which prima facie shows the applicant and his wife accompanying the deceased into the lift of the building around 12:46 p.m. on 9th August 2023. Subsequently, the applicant is seen alone entering the lift with a blue coloured trolley bag. Later that evening, he is again seen with the same bag, along with his wife and minor child, entering the lift and heading to the floor where the deceased resided. At around 9:56 p.m., the applicant is again seen pulling the same trolley bag into the lift.

18. These visual materials strongly suggest the presence of the applicant with the deceased shortly before the latter went missing, and also establish a critical time link between the applicant's presence in the building and the alleged transportation of a large trolley bag, which the prosecution believes was used to dispose of the body. The repeated movements, all captured on camera, and the timing thereof, cannot be brushed aside as mere coincidence.

19. Thirdly, it is a matter of record that the deceased had lodged criminal complaints against the applicant, including one under Section 376(2)(n) of the IPC. The prosecution has alleged that the applicant had been pressurizing the deceased to withdraw those complaints. These antecedent acts furnish a strong motive for the commission of the offence. The applicant has not offered any explanation for his presence at the deceased's residence on the date of incident, or for the movements captured on CCTV.

20. Fourthly, the technical evidence in the form of Call Detail Records (CDR) and tower location data of the mobile phones of the applicant and his wife corroborate their movement from Mumbai to Gujarat on 10th August 2023. Their phones were traced to the very area where the body was found dumped. The prosecution has also produced a route map which aligns with the timeline emerging from CCTV footage. The linking of this digital trail with the timing of the alleged offence adds substantial probative value to the circumstantial case.

21. Fifthly, the recovery of the key to the deceased's house from the possession of the applicant, and the mustard seeds found both with the dead body and confirmed to have been sold by a shopkeeper to the applicant, are further incriminating circumstances which strengthen the prosecution's case. Additionally, children near the place of incident allegedly saw the blue trolley bag discarded in bushes and found mustard seeds inside it, details that the prosecution has highlighted as consistent with their case narrative.

22. While it is true that the blue trolley bag allegedly used for transportation of the body has not yet been recovered, the non-recovery of the weapon or means of transportation does not, by itself, weaken an otherwise complete chain of circumstances, especially when the circumstantial evidence cumulatively points towards the applicant's involvement.

23. The argument that the last seen theory does not apply due to the distance between Mumbai and Gujarat cannot be accepted at this stage. The 'last seen' principle, when coupled with the technical evidence of mobile location, CCTV footage, motive, and other corroborative material, can form a complete chain sufficient to deny bail during trial stage.

24. Furthermore, although the applicant is stated to have been arrested on 12th September 2023 and charge is not yet framed, this delay cannot enure to the benefit of the applicant in a case involving a serious charge under Section 302 IPC where the circumstantial evidence is grave, cogent, and convincing. The possibility of tampering with evidence or influencing witnesses, especially when the key witness is the deceased's sister, who identified the body, cannot be ruled out.

25. In view of the above discussion and having regard to the nature and gravity of the accusation, the seriousness of the offence, the strong prima facie case based on circumstantial and technical evidence, and the likelihood of the applicant tampering with the prosecution evidence or absconding if released on bail, this Court is of the considered opinion that the applicant is not

entitled to the discretionary relief of regular bail.

26. Accordingly, the bail application is rejected.

(AMIT BORKAR, J.)