

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4643 OF 2024

Manohar Ravishankar Shukla

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Ashok Kumar Dubey a/w. Mr. Anil Kumar Pandey, Advocates i/by Savj Law Solutions for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2025

P.C.:

1. Heard Mr. Dubey, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. Indictment of Applicant in offence under Sections 302, 201 and 34 of the Indian Penal Code, 1860 (for short '**IPC**') is on peculiar facts.

3. Learned APP is directed to ascertain precise role of Applicant and apprise the Court on the next adjourned date.

4. According to Mr. Dubey, prosecution case against Applicant is that Applicant was admittedly having an affair with deceased – victim prior to the year 2019 but Applicant got married in the year 2019 and in the same year the deceased – victim also filed a complaint against Applicant under Section 376 of the IPC. Applicant was

enlarged on bail in that offence.

5. The date of present incident according to prosecution is on 14.08.2023 when a missing complaint was lodged by the sister of deceased – victim on having ascertaining that deceased – victim has gone missing from the house on 12.08.2023.

6. First Information Report is filed on 11.09.2023 and Applicant and his wife were both arrested on 12.09.2023.

7. Mr. Dubey has pointed out an intriguing fact and he would submit that it is borne out from prosecution case that body of deceased – victim girl was disposed off by Gujarat Police on 12.08.2023 as body of victim was in a decomposed state.

8. Mr. Dubey would persuade the Court to consider the case of prosecution that case against Applicant is solely based on circumstantial evidence and if that circumstantial evidence is so big in this case that it would not sustain the case of prosecution. He would submit that due to impending case under Section 376 of the IPC filed by deceased – victim against Applicant which was pending Applicant has been indicted in the present offence. He would submit that from prosecution theory there is no incriminating material placed on record to show nexus of Applicant to the present crime in question.

9. Learned APP shall consider the aforesaid submissions and

apprise the Applicant's role in the present crime. Considering the incarceration of Applicant and peculiar facts stated hereinabove the case shall be considered for bail on the next adjourned date.

10. Stand over to **29th April, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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