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

BAIL APPLICATION NO.4676 OF 2024

VAIBHAV
RAMESH
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Dinesh Radheshyam Mourya

... Applicant

V/s.

The State of Maharashtra

... Respondent

Ms. Amima Mishra with Ms. Shivani Dixit and Mr. Subhash Hulyalkar for the applicant.

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

Mr. Vijay P. Yadav, PSI, Turbhe Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short), seeking his release on regular bail in connection with Crime No. 282 of 2023, registered with Turbhe MIDC Police Station, Navi Mumbai. The applicant is facing prosecution for the offence punishable under Section 302 of the Indian Penal Code, 1860 ("IPC" for short), which relates to the charge of murder.

2. As per the case of the prosecution, the incident occurred on 8th August 2023 at about 7:45 a.m. It is alleged that while the complainant was in his house, his friend Prem Rathod, who resides in the same locality, came running and informed him that the

complainant's brother Dinesh was lying in an injured condition on the land in front of their house. Immediately, the complainant rushed to the spot and saw that his brother was lying unconscious and bleeding from his chest. Upon turning the body, the complainant noticed a serious chest injury. It is the prosecution's case that before becoming unconscious, the victim named the present applicant as the person who had stabbed him with a screwdriver. The complainant, along with others, took the victim in an autorickshaw to Vashi BMC Hospital around 8:20 a.m., where he was declared dead.

3. Learned advocate appearing for the applicant has strongly urged that the applicant is innocent and has been falsely implicated. It is submitted that the prosecution story regarding the motive is weak and inconsistent. The alleged motive, according to the prosecution, arose out of an incident that took place on 5th August 2023, i.e., three days prior to the actual incident. It is argued that if the applicant truly had the intention to harm the deceased, he would not have waited for three days to act upon it, and this delay creates doubt on the prosecution's version. Moreover, the defence points out contradictions in the statements of eyewitnesses and contends that the incident, even if accepted as true, was not premeditated and appears to have occurred in the heat of the moment. It is further submitted that the deceased suffered only a single stab injury, which suggests absence of cruelty or multiple blows, and hence, the case may at best fall under Section 304 Part II IPC, which deals with culpable homicide not amounting to murder. It is submitted that the applicant has been in

custody since 8th August 2023 and that the prosecution has cited 27 witnesses, indicating that trial is likely to take considerable time. Therefore, continued incarceration of the applicant is not justified, and he deserves to be released on bail.

4. On the other hand, learned Additional Public Prosecutor has opposed the bail application by pointing out that the incident is supported by multiple eyewitness accounts, all of which give a consistent and detailed narration of how the applicant assaulted the deceased with a screwdriver. It is submitted that the nature of the assault was deliberate and targeted, as the applicant stabbed the deceased directly in the chest. The postmortem report corroborates the prosecution's version and mentions a stab injury over the left side of the chest, measuring 1 x 0.2 cm, horizontally placed near the midline, passing through the intercostal space and penetrating the pericardium and left ventricular muscle. The pericardial cavity was filled with 500 ml of blood, and the stab tract was hemorrhagic.

5. She submitted that the above medical evidence clearly indicates that the act of stabbing was forceful, directed towards a vital organ, and caused massive internal bleeding. The medical opinion confirms that the cause of death was “shock due to stab injury to chest”. In such circumstances, the injury was of such nature and on such a part of the body, that it can be presumed that the accused had the intention or at least the knowledge that the injury was likely to cause death in the ordinary course of nature. Hence, the offence squarely falls under Section 302 of IPC. The argument of the applicant that the case may fall under Section 304

Part II cannot be accepted at this stage in view of the nature of injury and the immediate death resulting from it.

6. Having heard the learned counsel for the applicant and the learned APP for the State, and upon careful consideration of the record, this Court finds no merit in the present application seeking regular bail for the following reasons:

7. Firstly, the nature and gravity of the offence alleged against the applicant is of utmost seriousness. The applicant is facing prosecution for the offence of murder under Section 302 of the Indian Penal Code. It is alleged that he stabbed the deceased with a screwdriver in the chest, causing a fatal penetrating injury that led to his death. The allegation is not of a general scuffle or accidental harm but of a targeted and lethal assault with a sharp and dangerous object on a vital part of the body.

8. Secondly, the incident is supported by multiple eyewitnesses, who state that the applicant stabbed the deceased on his chest using screwdriver.

9. Thirdly, the postmortem report clearly corroborates the prosecution's version. The medical evidence reveals that the deceased suffered a deep stab wound on the left side of the chest. The wound passed through the skin, subcutaneous tissue, intercostal space, and further penetrated the pericardium and left ventricular muscles, causing massive internal bleeding. The pericardial cavity contained 500 cc of blood, and the stab tract was described as hemorrhagic. The cause of death is recorded as shock due to stab injury to the chest. The nature, depth, and direction of

the wound strongly indicate that the blow was not superficial or unintentional, but rather deliberate and forceful, aimed at the heart region.

10. Fourthly, the defence argument that the incident was not premeditated and hence may fall under Section 304 Part II of the IPC cannot be accepted at this stage. The weapon used (a screwdriver), the vital part targeted (chest), and the resultant fatal injury collectively suggest that the applicant had the knowledge and intention necessary for attracting Section 302 of the IPC. As held by the Supreme Court in *Virsa Singh v. State of Punjab* (AIR 1958 SC 465), if the injury inflicted is sufficient in the ordinary course of nature to cause death, and is intentionally inflicted, the offence would fall under Section 302 irrespective of premeditation.

11. Fifthly, this Court is conscious of the fact that the applicant has been in custody since 8th August 2023 and that the trial may take time. However, mere passage of time or length of custody cannot override the gravity and seriousness of the offence. At the present stage, when the prosecution has cited 27 witnesses and the trial is yet to commence, this Court finds no exceptional circumstance that would justify the release of the applicant on bail.

12. Sixthly, release of the applicant at this stage may adversely affect the fair trial process, especially when key prosecution witnesses reside in the same locality and are known to the applicant. There exists a reasonable apprehension of tampering with witnesses or pressurizing them, which cannot be ruled out.

13. Considering the gravity of the offence, the *prima facie*

involvement of the applicant, the nature of medical and eyewitness evidence, and the interest of justice and society at large, this Court is not inclined to exercise discretion in favour of the applicant.

14. Accordingly, the bail application is rejected.

(AMIT BORKAR, J.)