

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5387 OF 2024**

Vishal Bhau Ghavat ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Shriganesh Salba Sawalkar, *with Adira Tandan, for the Applicant.*

Ms Poonam P Bhosale, *APP for the State-Respondent.*

Mr Bandgar, *API attached to Manpada Police Station, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 9th October 2025

PC:-

1. The Applicant by way of this Application seeks his release on bail in connection with FIR No.108 of 2022 dated 16th February 2022 registered with the Manpada Police Station, Thane city for the offences punishable under Section 302 and 201 of the Indian Penal Code, 1860 ('IPC' for short).

2. The facts of the case, in brief, are that:

2.1 The Complainant, is the husband of the deceased-Supriya, made a complaint that on 15th February 2022, his wife was not feeling well. Therefore, he told her to take rest at home and left for work. At 5.30 p.m. he got a call from one neighbour, namely, Swati Jadhav that their son Shlok needed to be picked up from the school since the deceased had not gone to pick up their son from the school. The Complainant tried to call his wife at home, however, she did not answer his calls. When he returned home at 8.30 p.m., his wife did not open the door. Even his neighbours told him that they had not seen her around. Ultimately, they broke open the door and found her lying on the sofa-cum-bed in the drawing room. They found that her neck was tied with a plastic tie. He found her to be dead and the complaint came to be filed. Pursuant to the complaint, FIR was registered.

3. The Applicant made an application before the Additional Sessions Judge, Kalyan and by order dated 27th July 2022, the

said bail application was rejected. Hence, he has filed the present Bail Application for the relief as prayed.

4. Mr. Shriganesh Sawalkar, learned Advocate appearing for the Applicant, submitted that the Applicant is in custody since 17th February 2022 and as such, has suffered incarceration for as many as 3 years and 9 months. He further submits that the only material against the Applicant is, the statement of a neighbour, who had seen the *chappals* of the Applicant outside the house of the deceased. He submits that there is no material on record to show complicity of the Applicant in the present crime. He also submits that till date, even the charges are not framed and the trial is not likely to commence in the foreseeable future. He thus, prays that the Applicant be released on bail.

5. Ms. Poonam Bhosale, learned APP representing the State, on the other hand, submits that this is a serious offence. She brings to my notice, the statements of the neighbours, who stated that the deceased herself had told them that the

Applicant was going to her house to return a book on Chhatrapati Shivaji Maharaj. They had also seen *chappals* of the Applicant outside the house of the deceased. She further points to doctor's report issued by the Kalyan Dombivali Municipal Corporation pertaining to the Applicant, who suffered some injuries on his right hand, right finger, left ankle, right wrist joint, indicating that these injuries were of 24 hours in duration. She also brought to my attention another neighbour's statement, who also corroborated statement of the other neighbour. She also submitted that a long hair was found in the car of the Applicant. She has also placed on record, the *roznama* dated 2nd September 2025 and 3rd October 2025 of the Additional District Sessions Court, Kalyan, which indicates that it is the Advocate of the Applicant, who had absented himself from the proceedings due to which charges could not be framed. She thus, submits that prolonged incarceration is on account of the Applicant himself, who has delayed the trial. She thus, prays that the Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. *Prima-facie*, it appears from the material on record that the nature of evidence in the present case is circumstantial. From the material on record, it is evident that apart from the neighbour's statement that she saw the Applicant's *chappals* outside the house of the deceased, there is nothing to indicate complicity of the Applicant in the present crime. Medical report of the Applicant indicates injuries but, there is no reference to a scuffle resulting into the said injuries. A long hair was found in the car of the Applicant even if it is presumed to be that of the deceased, it does not implicate the Applicant in the crime, especially when body of the deceased was found at her house and not in the car of the Applicant. The Applicant is in custody for about 3 years and 9 months without charges being framed. It does appear that the advocate for the Applicant absented himself from the

proceedings atleast on two dates and did not co-operate in framing of the charges.

8. In view of the aforesaid discussion, I am inclined to enlarge the Applicant on bail. However, it is made clear that on the next date or any other date, if the Applicant seeks any adjournment on account of which the trial is delayed, then the Respondent-State is at liberty to seek cancellation of bail.

9. In view of the aforesaid, it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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signed by
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