

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

CRIMINAL APPEAL NO.473 OF 2025

Mahesh @ Viccki Ravindra Badgujar Appellant

V/s.

The State of Maharashtra & Anr. Respondents

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Ms.Sana Raees Khan a/w Mr.Sumit Sharma, Ms.Vidya Lahamate,
Ms.Neha Balani, for the Appellant.

Ms.Anuja S. Gotad, APP, for the Respondent-State.

Ms.Rashi R. Maknikar, for Respondent No.2.

Mr.S.Y. Galdhar, PSI, Mokhada Police Station, Palghar.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

P.C:-

. The Special Court has rejected the Bail Application of
the Appellant.

2. The Appellant is seeking regular bail, in connection
with Crime No.22 of 2024, registered with Mokhada Police
Station, Palghar, for the offences punishable under Sections 302,
201 of the Indian Penal Code ('IPC' for short) and under Sections
3(2)(v) of the Scheduled Caste and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989 ('SCST' Act).

3. It is prosecution's case that, On 7th February 2024, Police received information that dead body of one lady without head was lying below the bridge of Vaitarna River. The Police had registered offence against unknown person. In investigation it revealed that Accused No.1 had illicit relations with the deceased and she was pressurizing him for marrying with her. To get rid of it, the Accused No.1 and the Appellant hatched conspiracy to kill the deceased and abducted her in the car of the Appellant, and murdered her and threw her body into the river.

4. It is contention of learned counsel for the Appellant that, the Appellant has been falsely implicated in this case. Prosecution case is based on circumstantial evidence. Main allegations are against the Accused No.1 as he had illicit relations with the deceased. The Accused No.1 has murdered the deceased. It is prosecution's case that the Accused No.1 strangled the deceased and thereafter cut her head with knife, and threw her body into the river. The allegations against the Appellant are that, the car of the Appellant had been used in the said crime. The learned counsel further submitted that, grounds

of arrest were not given to the Appellant before his arrest, so his arrest is illegal and requested to allow the Appeal.

5. The learned counsel for the Appellant is relied on following judgments :-

(i) Ravinder @ Tanni @ Taran V/s. State of Haryana, (Neutral Citation No.2025, PHHC : 021359) decided on 14th February 2025.

(ii) Balkrishna Tukaram Angre V/s. The State of Maharashtra, Criminal Appeal No.1704 of 2017 decided on 22nd September 2017.

(iii) Zahur Haider Zaidi V/s. Central Bureau of Investigation, Criminal Appeal No.605 of 2019 decided on 05th April 2019

(iv) Pankaj Bansal V/s. Union of India & Ors, Criminal Appeal Nos.3051-3052 of 2023 decided on 7th February 2025.

(v) Vihaan Kumar V/s. State of Haryana & Anr, Criminal Appeal No.621 of 2025 (Citation : 2025-2 SCR-424) decided on 7th February 2025.

6. It is contention of the learned APP and learned counsel for the Respondent No.2 that, the Appellant and Accused No.1 hatched conspiracy to kill the deceased, they

abducted the deceased in car of the Appellant and killed her. The Appellant and his vehicle was seen in CCTV footage. The deceased was last seen with the Appellant and Accused No.1. On the say of the Appellant petrol pump boy given petrol in bottle to the Accused No.1 and said petrol was used to burn the head of the deceased.

7. The learned APP further submitted that, gold ornaments on the body of the deceased were taken away by the Appellant and sold to the goldsmith. The statement of the gold smith is recorded by the police and the said gold ornaments are recovered. The goldsmith has stated before the police that, the gold ornaments were sold by the Appellant. The issue of ground of arrest was not taken by the Appellant before the Special Judge, nor it is mentioned in grounds of present Appeal. The learned APP further submitted that, the Appellant was arrested after informing him grounds of arrest. The learned APP further submitted that, the Appellant had actively participated in the murder of the deceased. If Applicant released on bail he may

threaten the prosecution witnesses. Hence, requested to dismiss the Appeal.

8. I have heard all learned counsel. Perused FIR and documents produced on record.

9. The allegations against the Appellant are that, he along with Accused No.1 hatched conspiracy to kill the deceased. The main allegations are against the Accused No.1 that he strangled the deceased when she died, he cut her head with knife. The vehicle used in the crime belongs to the Appellant. The Appellant carried the deceased and Accused No.1 to the incident spot. The car of the Appellant, with Accused No.1 and the deceased is captured in the CCTV footage. The statement of the petrol pump boy Rohit Bhambre shows that, he knows the Appellant. He has stated before the Police that, on 5th February 2024, around 7.30 p.m., the Appellant had come in his Ertiga car to fill the petrol, at that time, one lady and one person were sitting on back seat of the said car. The person in the car asked this boy to give petrol in empty plastic bottle. This witness told him that he does not give petrol in bottle, at that time, the

Appellant told this witness to give the petrol in bottle as this witness knew the Appellant, he gave Rs.200/- petrol to the said person in bottle. He has further stated that, on 6th February 2024 around 9.45 p.m., the Appellant again came for filling the petrol in his car with the same person but that lady was not seen in the car. After some days he came to know about murder of the said lady.

10. It is prosecution's case that the petrol was taken by the Accused No.1 and by using it he burnt the head of the deceased to hide her identity. It is prosecution's case that after murder of the deceased the Appellant and the Accused No.1 took away gold ornaments of the deceased and sold to the gold smith who was knowing to the Appellant. The Police has recorded the statement of the gold smith. Mr.Avinash Sonar has stated that, he knew the Appellant. In the month of February, he had come to his shop alongwith unknown person and they sold gold ornaments to him, when this witness asked the Appellant about gold ornaments, at that time, the Appellant told him that, these ornaments belongs to his friends wife. This witness denied to take

gold ornaments, at that time, the Appellant told him that, his friend's wife is admitted in the hospital and he needs the amount and he requested to this witness to purchase it, on request of the Appellant, this witness gave him Rs.42,000/-.

11. The CDR produced on record shows conversation between the Appellant and Accused No.1 after murder. The deceased has been brutally murdered, her head was cut from her body, it is burnt by petrol. The statement of petrol pump boy and goldsmith as well as the car of the Appellant used in the crime, the Appellant was last seen with the deceased alongwith the Accused No.1 shows active involvement of the Appellant in the crime. Though the learned counsel for the Appellant has argued on not giving grounds of arrest to the Appellant but this ground was not argued before the Special Court nor this ground is taken in Appeal Memo. In the arrest form of the Appellant, it is mentioned that grounds and reasons of arrest is explained to him.

12. I have gone through the case laws cited by the learned counsel for the Appellant. The facts of cited cases and present case are different, hence, not applicable.

13. Considering above reason's, I pass following order.

ORDER

- (i) The Appeal is dismissed.
- (ii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)