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

BAIL APPLICATION NO. 144 OF 2025

Madanlal Harilal Sevak	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Subir U. Sarkar a/w. Mr. Sumit Erande for applicant.

Mrs. Megha S. Bajoria, APP for respondent-State.

Mr. Ramesh Dhaigude, API, Manikpur Police Station,
District Palghar.

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2025

P.C.:

1. By the present application filed under Section 439 of the Criminal Procedure Code, 1973, the applicant seeks regular bail in connection with Crime Register No. 356 of 2018 registered with Manikpur Police Station, for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860, which relate to murder and causing disappearance of evidence.

2. The case of the prosecution, as gathered from the FIR and investigation papers, is summarized below:

(i) The first informant, Sub-Inspector Gyandev Shripati Suryavanshi, along with his colleague Sub-Inspector Prakash Yashwant Kadam and other police officers, was on patrolling

duty during the night of 14.10.2018 to 15.10.2018, particularly for taking preventive action against illegal activities. Around 3:00 a.m., their team moved from Khaniwade Toll Naka to Waghote Toll Naka to continue vehicle checking. At about 5:00 a.m., they noticed a white car approaching at high speed. The vehicle was intercepted and upon questioning, the two male occupants—the driver and the co-passenger—gave evasive and suspicious answers.

(ii) Upon inspecting the car, the police team noticed a plastic bottle containing blue-colored kerosene, an orange nylon rope, and a steel folding rod lying inside. On further inquiry, the trunk of the car was opened, which revealed a large dark-blue suitcase. The co-passenger was asked to open the suitcase, and upon doing so, a human dead body wrapped in a blanket was found inside.

(iii) When asked about their identity, the two men identified themselves as (1) Madanlal Harilal Sevak and (2) Shravan Harilal Sevak. On further questioning, they disclosed that the deceased was Narayan Champalal Sevak, who hailed from their native village.

(iv) The accused informed the police that Madanlal had performed a second inter-caste marriage about two years ago without informing his family. Narayan came to know about this and allegedly began blackmailing Madanlal, threatening to expose the secret to his family unless money was paid regularly. It is alleged that Narayan used to visit Vasai to

extort money from Madanlal.

(v) On 14.10.2018, at about 5:00 a.m., Narayan again came to Madanlal's residence demanding money. Madanlal told him that he needed time to arrange the amount. Both of them then went to the house of co-accused Shravan and stayed there overnight. The next day, at around 10:30 a.m., Narayan again began demanding money, resulting in a quarrel. During this heated exchange, it is alleged that Madanlal strangulated Narayan with a nylon rope, thereby causing his death. He then called his brother Shravan to help in disposing of the body.

(vi) The accused thereafter allegedly purchased a suitcase from the market. They wrapped the dead body using sellotape and placed it inside the suitcase. A car was then hired, and the suitcase, along with kerosene, the same nylon rope used in the act, and an iron rod were loaded into the car with the intention of disposing of the body.

(vii) While proceeding from Vasai toward Wada in the early morning hours of 15.10.2018, the vehicle was stopped by the police at Waghote Toll Naka. Upon inspection, the dead body was discovered and both accused were taken into custody.

3. The learned advocate for the applicant submitted that the applicant has been in custody since 16.10.2018. It is further submitted that although the investigation is complete, charges have not yet been framed. The prosecution has listed 32 witnesses, and in these circumstances, the trial is not likely to conclude in the

near future. It is submitted that the applicant has no criminal antecedents and is willing to abide by any conditions imposed by this Court. On these grounds, he seeks his release on bail.

4. On the other hand, the learned Additional Government Pleader opposed the grant of bail. It is submitted that the nature of the allegations is very serious, involving a premeditated murder and subsequent attempt to destroy evidence. It is further submitted that sufficient material is available on record to show the involvement of the applicant. It was pointed out that earlier bail applications filed by the applicant have already been rejected by this Court, and there is no change in circumstances justifying reconsideration. Therefore, the prosecution prayed for rejection of the present bail application.

5. I have carefully considered the submissions advanced on behalf of the applicant as well as the learned Additional Government Pleader. I have also perused the material placed on record including the FIR, statements of witnesses, and other investigation papers.

6. It is not in dispute that the applicant has been in custody since 16.10.2018, which amounts to nearly five years and nine months of incarceration as an undertrial. Despite this prolonged custody, the trial has not commenced. As noted earlier, charges are yet to be framed and the prosecution has cited as many as 32 witnesses, which makes it evident that the trial is likely to be protracted. In such circumstances, continued pre-trial detention of the applicant, who is presumed innocent until proven guilty, would

result in undue hardship and amounts to pre-trial punishment, which is not permissible in law.

7. It is further pertinent to note that the applicant does not have any prior criminal antecedents. The incident, as alleged, appears to have arisen out of a personal and strained relationship between the deceased and the applicant, and not as part of any organized criminal activity. The entire case rests on circumstantial evidence and confessional statements made before the police, which will be tested during the course of trial.

8. While the offence alleged is undoubtedly serious, the seriousness of the offence alone cannot be a ground to deny bail when other mitigating factors are in favour of the applicant. The Hon'ble Supreme Court in several judgments including *Shaheen Welfare Association vs. Union of India* [(1996) 2 SCC 616] and *Satender Kumar Antil vs. CBI* [(2022) 10 SCC 51], has consistently held that prolonged incarceration of undertrial prisoners without progress in trial violates their fundamental right under Article 21 of the Constitution.

9. In the present case, considering the long period of pre-trial detention, the absence of antecedents, the remote likelihood of early conclusion of trial, and no material indicating the likelihood of tampering with evidence or threatening witnesses, I am of the considered view that this is a fit case to grant bail to the applicant with appropriate conditions.

10. Accordingly, the following order is passed:

ORDER

- i) The bail application is allowed;
 - ii) The applicant is directed to be released on regular bail in connection with Crime Register No.356 of 2018, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report Manikpur Police Station on first 1st and 15th day of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)