

*Shabnoor*

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

**BAIL APPLICATION NO.189 OF 2025**

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... Applicant

**V/s.**

State of Maharashtra

... Respondent

Mr. Mohd. Taha a/w Sejal Jain and Monika Chiipa, for  
the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the State –  
respondent.

Mr. Pramod Devare, PSI, Padgha Police Station.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 8, 2025**

**P.C.:**

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Sessions Case No. 80 of 2023, which arises out of *Crime Register No. 241 of 2020* registered with Padgha Police Station. The applicant has been arrested for the alleged commission of an offence punishable under Section 302 of the Indian Penal Code, 1860, which relates to the offence of murder.

2. The brief facts of the prosecution case are as follows: On 11th September 2020, at around 9:00 a.m., the complainant left his home for work as per his daily routine. While he was at his

workplace, at around 5:30 p.m., he received a phone call from his neighbour, one Sangita Gavle, informing him that the health of his father was deteriorating. After receiving this information, the complainant immediately informed his superiors at work and rushed back home. On reaching home, he was informed by his family members and neighbours that his son, Akash, had been murdered, and his body was lying in the field of Bhaskar Gavle.

3. On receiving this information, the complainant, along with his family members, proceeded to the field of Bhaskar Gavle. There, they saw the body of the deceased lying on the ground. As per the complainant, there was a visible injury on the head of the deceased from which blood had oozed out, a black mark around the neck, and swelling near the left eye. Thereafter, the neighbours helped the complainant and his family to return home, and a call was made to the police. As per the initial version, on 11th September 2020 at about 5:30 p.m., some unknown person, due to reasons not known, had caused fatal injuries to the deceased by assaulting him with a weapon and had abandoned the body in the field. Based on the complaint, an FIR came to be registered with Padgha Police Station. The applicant was arrested on 13th September 2020. He had earlier moved an application for bail before the learned Sessions Court, which came to be rejected. Aggrieved thereby, the applicant has now approached this Court seeking bail.

4. Learned Advocate appearing for the applicant submitted that the entire case of the prosecution is based on circumstantial evidence. According to him, the chain of circumstances as required

under law is not complete at this stage. It was submitted that the applicant has been in custody since 13th September 2020. Though charges have already been framed in the year 2022, no witness has been examined till date. It is further submitted that the prosecution has cited as many as 39 witnesses, and therefore, there is no likelihood of the trial being concluded in the near future. Hence, it is prayed that the applicant be released on bail, subject to suitable conditions.

5. On the other hand, learned Additional Public Prosecutor appearing for the State has opposed the bail application. It is submitted that the material collected by the Investigating Officer clearly points to the involvement of the applicant in the commission of the offence. The learned APP further submitted that the chain of circumstances is complete, and the recovery of the weapon, along with the statements of the witnesses, including alleged extra-judicial confession, are incriminating against the applicant. Therefore, it is urged that no case for bail is made out and the application deserves to be rejected.

6. I have perused the charge-sheet and considered the material placed on record. It appears that the case of the prosecution is primarily based on circumstantial evidence. The law is well settled that in such cases, the prosecution must establish a complete and unbroken chain of circumstances pointing to the guilt of the accused, which is a matter of evidence to be tested during trial. The applicant has been in custody since 13th September 2020, which means he has undergone more than 4 years of incarceration. It is also not in dispute that although charges have

been framed, none of the 39 witnesses cited by the prosecution have been examined so far. Thus, there is little likelihood of early conclusion of trial.

7. In the above circumstances, considering the prolonged incarceration of the applicant as an undertrial prisoner, the stage of the trial, and the fact that the case is based on circumstantial evidence, this Court is of the opinion that the applicant has made out a case for grant of bail. It is made clear that the observations made herein are limited to the consideration of bail and shall not influence the trial Court while deciding the matter on merits.

8. In view of the above, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with *Crime Register No. 241 of 2020* registered with Padgha Police Station for offence punishable under Section 302 of the IPC, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(d) The applicant shall report to the Padgha Police Station, on the first Monday of every month between 10.00 a.m. and

12.00 noon, until further orders.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

9. The Bail Application stands disposed of in above terms.

**(AMIT BORKAR, J.)**

Note:- This order is modified as per the order dated 18 July 2025. Corrections in paragraphs 1 and 8(b) are shown italicize.