

AGK

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

BAIL APPLICATION NO.394 OF 2025

Jayesh Bhaskar Pharde	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Mohammed Umar Kazi with Ms. Sonia Santis for
the applicant.

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

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant seeks his release on regular bail in connection with Crime Register No. 357 of 2023, registered with Padgha Police Station, Thane Rural, for offences punishable under Sections 302, 201, 120-B, and 34 of the Indian Penal Code, 1860, and under Sections 9, 39(1)(a), 39(1)(d), 49, 51(1), and 51(1)(d) of the Wildlife (Protection) Act, 1972.

2. The prosecution case, as gathered from the First Information Report and charge-sheet, in brief, is that the complainant is a resident of Bhiwandi and is the son of the deceased. It is alleged that on 7th June 2023, at around 8:30 a.m., the complainant's father, namely Balu Patil, left his house after informing the complainant's mother that he was going out for some work.

However, he did not return home even by 7:30 p.m. Concerned about his absence, the complainant and his family members made efforts to search for him in the village and nearby areas and contacted relatives, but they could not trace him. Repeated attempts to call him on his mobile phone were unsuccessful as the phone was switched off.

3. Thereafter, in the early hours of 8th June 2023, at around 12:30 a.m., the complainant received a call from his cousin Dnyaneshwar Patil, who informed him that he had received a call from Padgha Police Station stating that at around 10:45 a.m., their uncle, Balu Patil, had met with an accident near the boundary of Village Kandki and had been admitted to Padgha Government Hospital. Upon receiving this information, the complainant, accompanied by his friend Vishal Patil, visited Padgha Government Hospital. On reaching the hospital, the complainant saw his father lying lifeless on a cement bed. He noticed injuries and bleeding on his father's left hand and right leg. At that stage, the complainant presumed that his father had died due to severe injuries caused by an accident involving an unknown vehicle. Accordingly, the complainant lodged a report with the police against an unknown vehicle for offences under Sections 279, 304-A, 337, and 338 of the Indian Penal Code.

4. Subsequently, during investigation, it was revealed that the death of Balu Patil was not accidental but homicidal, and the present applicant came to be arraigned as an accused. Learned counsel appearing for the applicant submitted that the specific role attributed to the applicant, as per the charge-sheet, is limited to

allegedly destroying evidence by disposing of the snake which, according to the prosecution, was used as a weapon in the commission of murder. It is contended that except for the above allegation, there is no other incriminating material brought on record to connect the applicant to the actual act of murder. The applicant has been in custody since 3rd July 2023 and, therefore, he prays that the applicant be released on bail, as further incarceration is not warranted.

5. On the other hand, the learned APP strongly opposed the bail application. It is submitted that the offence is of a serious nature and the applicant played a crucial role in destruction of material evidence. It is further submitted that the applicant has been involved in a similar nature of offence in the past and that there exists a reasonable apprehension that he may again indulge in such activities if released on bail. In light of these circumstances, the learned APP prayed for rejection of the bail application.

6. I have considered the rival submissions advanced by both sides and have perused the material on record, including the charge-sheet filed in the matter. At the outset, it is to be noted that the main allegation against the applicant is not of directly committing the act of murder, but of allegedly assisting in destroying evidence by disposing of the snake which is said to have been used in the commission of the crime. Thus, the role attributed to the applicant is of an accessory after the offence, falling primarily under Section 201 of the Indian Penal Code and certain provisions of the Wildlife (Protection) Act.

7. On a prima facie perusal of the charge-sheet, there is no direct material to suggest that the applicant was part of the criminal conspiracy to commit the offence of murder under Section 302 IPC. The main role appears to be attributed to other co-accused. The prosecution has not placed on record any material indicating that the applicant had prior knowledge of the alleged plan to use a snake as an instrument of murder or that he was present at the scene of offence.

8. The applicant is in judicial custody since 3rd July 2023 and investigation in the case is already completed. The charge-sheet has been filed, and therefore, further custodial interrogation of the applicant is not necessary. The apprehension expressed by the prosecution that the applicant may commit similar offences in future is not supported by any concrete material showing past criminal antecedents or habitual involvement in such crimes.

9. It is also well settled that liberty is a valuable right under Article 21 of the Constitution of India, and once investigation is over and charge-sheet is filed, continued detention must be justified by strong reasons such as the possibility of tampering with evidence or influencing witnesses. In the present case, no such specific apprehension has been substantiated against the applicant.

10. Having regard to the nature of the allegations, the limited role attributed to the applicant, the fact that he has been in custody for more than one year, and that the trial is likely to take considerable time, this Court is of the opinion that the applicant deserves to be released on bail, subject to suitable conditions to

ensure his presence at trial and to safeguard the prosecution's interest.

11. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.357 of 2023 registered with Padgha Police Station, Thane Rural for offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code, 1860 and under Sections 9, 39(1)(a), 39(1)(d), 49, 51(1), 51(1)(d) of Wildlife (Protection) Act, 1972, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five 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 the Padgha Police Station, Thane Rural on first Monday 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.

4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)