

Nikita

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

BAIL APPLICATION NO.567 OF 2025

Daljit Jaspalsingh Khosa	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Amit Icham a/w Mr. Chaitanya Purankar for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 18th JUNE, 2025

P.C.:

1. Heard Mr. Amit Icham, learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the State.
2. By the present application under Section 439 of the Code of Criminal Procedure, 1973, Applicant is seeking bail in connection with C. R. No.112 of 2023 registered with Kalamboli Police Station, Navi Mumbai, for the offences punishable under Sections 302 reads 34 and 120 (B) of IPC. The FIR was lodged on the basis of information of Mr. Buttasingh Khosa, son of the deceased.
3. Case of the prosecution is that Mr. Jaspalsingh Khosa husband of the Applicant, was killed by the Applicant (Accused No.1) along with two other persons (Accused No. 2 and 3). Jaspalsingh Khosa was killed during the time he was taking his

morning walk. Motive for committing murder is on account of the involvement of the Applicant in unlawful activities and financial issues.

4. Applicant was arrested on 09.05.2023. Since then she is in jail.

5. Bail Application filed by the Applicant in Sessions Case No.179 of 2023, before learned Additional Sessions Judge, Panvel was rejected on 23.04.2024.

6. Mr. Amit Icham, learned Advocate for the Applicant submits that there is no material brought on record to indicate either the Applicant having any motive or the Applicant being involved in the crime. He states that the CCTV footage relied upon by the prosecution, at the most would indicate that the Applicant was accompanying her husband in the morning walk. He submits that the case of the prosecution is based on the circumstantial evidence, which according to him do not complete the chain. He submits that the Accused Nos. 2 and 3 who are alleged to be the assailants have been released on bail by this Court in Bail Application No.4816 of 2024 and by the learned Sessions Court by order dated 05.05.2025, respectively. He submits that the investigation is complete and charge-sheet is filed.

7. Ms. Veera Shinde, learned APP for the State, submits that, though the case is based on circumstantial evidence, there is sufficient material brought on record to show, Applicant having motive. She submits that the CCTV footage is one of the circumstances which shows involvement of the Applicant in the

crime. She submits that the money transactions between the Applicant and the assailants i.e. Accused No.2 and 3 would show that the Applicant had hired the Accused Nos. 2 and 3 to commit murder of Mr. Jaspalsingh Khosa. She submits that the witnesses have made reference to the presence of the Accused No.2 and 3 during the time of offence. She therefore opposes the bail.

8. I have perused the record placed before me with the able assistance of the learned Advocates for the parties.

9. Case of the prosecution is based on the circumstantial evidence. Circumstances placed on record, include the CCTV footage and the statements of the witnesses, which *prima facie* are not compelling circumstances. The money transaction referred by the prosecution, is not from the bank account of the Applicant. Apparently the said money transaction is from the bank account of the son of the Applicant. Material placed on record is inferential in character, which at the most may raise an suspicion. Prosecution will have to prove the circumstances during trial. *Prima facie* the material is not compelling to deny bail to the Applicant pending the trial. The Accused Nos. 2 and 3 who are alleged to be assailant, are release on bail. Charge-sheet is filed in the present crime.

10. Applicant is a women. Applicant has no criminal antecedents. Considering the aforesaid nature of material against the Applicant, case of the Applicant is required to be considered in terms of the second provision to Section 480(1)(ii) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In view of the above, the bail application is allowed. The

Applicant is released on bail on following conditions:

- a) Applicant is directed to be released on bail in connection with Crime No. 112 of 2023 registered at Kalamboli Police Station, District: Navi Mumbai for offences punishable under Sections 302, 120(B) r/w Section 34 of the Indian Penal Code (for short "IPC") on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Panvel.
- (b) Applicant shall attend the Kalamboli Police Station twice in a month on first and third Saturday.
- c) Applicant shall attend Sessions Case No.179 of 2023 pending before the Additional Sessions Judge Panvel, Raigad, on each date of hearing, unless specifically exempted.
- d) Applicant shall not interfere or threaten or influence any of the witnesses or tamper with evidence.
- e) Applicant shall not leave the State of Maharashtra without the prior permission from the Sessions Court Raigad.

12. The Bail Application is disposed off.

(ASHWIN D. BHOBE. J.)