

Shabnoor

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

BAIL APPLICATION NO. 672 OF 2025

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Harshad @ Munna Jaau Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ankit U Nikam i/b Mr. Sumit Patil, for the applicant.

Ms. Supriya I. Kak, APP for the State – respondent.

Mr. R. N. Shiragire, PSI, Arnala Police Station, District Palghar.

CORAM : AMIT BORKAR, J.

DATED : JULY 1, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime Register No. I-377 of 2021 registered with Arnala Police Station, District Palghar. The applicant has been booked for offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is that on 28 November 2021 at around 10:00 a.m., one Arjun Nagappa Pawar, Assistant Police Inspector, lodged a report of an accidental death, which was registered as A.D. No. 76 of 2021. It was reported that a partially decomposed body of an unknown woman was found floating in

the sea approximately 100 meters from Maharambalpada Jetty No. 22, Virar West. The body was found tied with a nylon rope, along with a 10-kilogram stone. The deceased was wearing a black T-shirt with white floral design, black jeans, and a black netted bra. Upon receiving telephonic intimation on 27 November 2021 at around 2:00 p.m., the police reached the spot and recovered the body. The post-mortem was conducted at Primary Health Centre, Agashi, which revealed that the cause of death was strangulation.

3. It was alleged that after committing the murder, the accused persons attempted to dispose of the body by tying a heavy stone to it and throwing it in the sea to destroy the evidence. Based on these findings, the case was converted from an accidental death to a case of murder. During investigation, it was revealed that the present applicant, along with a co-accused, had murdered the deceased woman. The motive, as gathered by the police, is that accused No.1 had an illicit relationship with the deceased and that she was demanding money from him, which led to frustration on his part. It is further alleged that with the help of the co-accused, the applicant committed the offence of murder and both accused tied a stone to the deceased's body and disposed of it in the creek water. However, the body resurfaced, which led to registration of the FIR. The applicant had earlier applied for bail before the Sessions Court, which came to be rejected.

4. Learned Advocate appearing for the applicant has submitted that the entire case of the prosecution is based on circumstantial evidence. It is submitted that there is no direct eyewitness account of the alleged offence and that the evidence relied upon by the

prosecution is insufficient to establish a complete chain of circumstances. It is pointed out that the alleged motive is merely based on a strained relationship and financial dispute, which by itself is not sufficient to convict or deny bail unless supported by other corroborative evidence.

5. It is further submitted that the extra-judicial confession of the applicant is stated to have been made after almost 30 days from the date of incident and such delay casts doubt on its veracity. The prosecution has also placed reliance on the Call Detail Record (CDR) which merely indicates that one call was made from the deceased's number to the applicant's number at around 3:18 p.m. on the relevant day, which, by itself, does not conclusively establish the presence of the applicant at the scene of offence.

6. Learned Advocate further submits that one Ankit, whose statement is recorded under Section 164 CrPC, allegedly stated that he saw the applicant along with the co-accused after the incident and that the applicant had changed his clothes, which were earlier found stained with mud. However, it is pointed out that the clothes recovered during the investigation do not bear any such mud stains. It is also submitted that the applicant has been in custody since 2 December 2021, and that charges have already been framed. The prosecution has cited as many as 73 witnesses and therefore, the trial is not likely to conclude in the near future. It is also pointed out that the co-accused, against whom similar allegations have been made by Ankit, has been released on bail. It is therefore prayed that the applicant be released on bail on the

ground of parity and prolonged incarceration.

7. On the other hand, the learned APP has opposed the bail application. It is submitted that the CDR report shows that the deceased had contacted the applicant, which suggests their meeting around the time of the offence. The post-mortem report indicates that the death took place on the night of 24 November 2021, which corroborates the prosecution timeline. It is submitted that the extra-judicial confession of the applicant is supported by statements of witnesses recorded under Section 164 CrPC, including that of Ankit, who has categorically stated that he saw the applicant before and after the incident and also observed change of clothes. It is further submitted that there exists a strong and consistent chain of circumstantial evidence, which prima facie connects the applicant to the offence in question.

8. It is thus contended that the gravity of the offence, manner in which it is committed, and the attempt to destroy evidence, all go to show that the applicant is not entitled to be enlarged on bail at this stage. The learned APP prays for rejection of the bail application.

9. I have carefully considered the submissions advanced by the learned Advocate for the applicant and the learned APP for the State. I have also perused the material placed on record, including the FIR, post-mortem report, statements recorded under Section 164 of the Code of Criminal Procedure, and the charge-sheet.

10. It is not in dispute that the present case is based entirely on circumstantial evidence, and there is no direct eyewitness account

of the incident. The prosecution mainly relies upon three circumstances: (i) the alleged motive arising out of strained relationship and financial demand by the deceased, (ii) an extra-judicial confession said to have been made after a period of 30 days, and (iii) the Call Detail Record (CDR) showing telephonic communication between the applicant and the deceased.

11. As far as the alleged motive is concerned, it is settled law that motive, though relevant, by itself cannot be treated as conclusive evidence of guilt. There must be other corroborative material to complete the chain of circumstances. The extra-judicial confession, as per the applicant, was recorded belatedly, and its evidentiary value is a matter that will have to be tested at the stage of trial. Similarly, the CDR only reflects the fact of a phone call being made, but not the actual meeting or participation of the applicant in the alleged crime.

12. The statement of witness Ankit, who claims to have seen the applicant after the incident, does refer to mud stains on the clothes of the applicant. However, the clothes seized during investigation have not been shown to bear such mud stains. The statement of this witness also needs to be tested during trial, particularly when no other corroborative forensic evidence is shown to connect the applicant to the offence directly.

13. The applicant has been in custody since 2 December 2021, i.e., for nearly two years and seven months. The charge-sheet is already filed. Charges have been framed. The prosecution has cited 73 witnesses, and therefore, there appears to be no likelihood of

the trial concluding in the near future. The co-accused, whose role appears to be at par with the present applicant and who is also named by the same witness Ankit, has already been released on bail.

14. In these circumstances, and having regard to the principle of parity, as also the prolonged incarceration of the applicant, I am of the view that further detention of the applicant is not necessary. The apprehension of the prosecution that the applicant may tamper with evidence or influence witnesses can be safeguarded by imposing suitable conditions.

15. On overall consideration of the aforesaid factors, the applicant has made out a case for his release on bail.

16. Hence, the following order :

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. I-377 of 2021 registered with Arnala Police Station, District Palghar for offences punishable under Sections 302, 201 read with Section 34 of 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 Arnala Police Station, District Palghar 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.

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

(AMIT BORKAR, J.)