

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.686 OF 2025

Deepa Ganpat Pardhi	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO.730 OF 2025

1. Pintya Chandrakant Budhar	
AND	
2. Shankar Balu Ghatake	.. Applicants
Versus	
State of Maharashtra	.. Respondent

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- Mr. S. S. Sawalkar, Advocate for Applicants.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2025

P.C.:

1. Heard Mr. Sawalkar, learned Advocate for Applicants and Mr. Karmakar, learned APP for Respondent.

2. These are Applications under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No.223 of 2017 registered with Shahpur Police Station for offences punishable under Sections 302 and 2014 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'). Applicant in Bail Application No.686 of 2025 is Accused No.1. Applicant Nos.1 and 2 are arraigned as Accused Nos.3 and 4 in the same crime.

Accused No.2 is enlarged on bail.

3. The deceased – victim is husband of Applicant in Bail Application No.686 of 2025. According to prosecution case, Applicant alongwith Accused Nos.2, 3 and 4 was instrumental in conspiring to commit murder of her husband. However prosecution case *qua* Accused persons is based on circumstantial evidence only. There is no direct eye witness to the crime in question neither there is any last seen theory propagated by the prosecution which can be seen from any of the witness statement also. According to Applicant, the deceased – victim i.e. her husband left his house some time in the morning as informed by Applicant in her statement to the police but he did not return thereafter. The case of prosecution for indictment of Applicant and other co-accused persons is based on Call Detail Records and according to prosecution, Accused No.2 was allegedly the paramour of Applicant in Bail Application No.686 of 2025 and he alongwith his two associates Accused Nos.3 and 4 committed the murder.

4. Learned Advocate for Applicants has persuaded me to consider the medical report which indicates the cause of death to be cardiac arrest. However, at the same time when the same medical report is seen autopsy surgeon has noted 6 contused lacerated wounds on the chest and shoulder of the deceased – victim. The cause of death as stated in the medical report is homicidal death.

5. Mr. Sawalkar would argue that Accused No.2 – Sonu has already been enlarged on bail by order dated 23.04.2024 in Bail Application No.1744 of 2024 by this Court and the Court while enlarging Accused No.2 on bail has observed that the said Applicant was in custody since 13.04.2017 and it was highly unlikely that trial would be completed in the near foreseeable future or within reasonable period. Hence he would persuade me to consider the same reason of long incarceration for parity and allow the present Applications.

6. In that regard, learned APP would persuade the Court to consider that 5 witnesses out of the probable 32 witnesses which prosecution would desire to examine in the present case have completed their witness action.

7. After hearing rival submissions and considering the record of the case, in view of long incarceration of Applicants evident on record in the present case and probability of trial taking a long time to conclude, the case of Applicants is considered for grant of bail on the ground of their long incarceration and also on parity with Accused No.2. Applicants in both Applications are therefore directed to be released on bail subject to following conditions:-

- (i) All 3 Applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each

with one or two sureties in the like amount out of which one surety will be family member of Applicant;

- (ii) Before their actual release from jail, Applicants shall furnish their addresses where they proposes to reside after their release from jail to the concerned Police Station and also to the trial Court;
- (iii) After their release from jail, Applicants shall report to the Investigating Officer as and when called for;
- (iv) Applicants shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark their presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) Applicants shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if they does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vii) Applicants shall not influence any of the witnesses or tamper with the evidence in any manner; and

(viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. It is clarified that the observations made in this order are limited for the purpose of granting Bail only. They shall not be construed as observations on merit. The trial shall be adjudicated on the strength of evidence led by parties and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

9. Bail Application No.686 of 2025 and Bail Application No.730 of 2025 are allowed and disposed.