

Ashish

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

BAIL APPLICATION NO. 784 OF 2025

Chandrajit Zankuram Bhardwaj	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Manish Dubey, for the applicant.

Ms. Anagha Deshmukh, APP for respondent – State.

Ms. Yogita Sangle, PSI, Vadkhal Police Station, Raigad.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2025

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, by which the applicant seeks regular bail in connection with Crime Register No. 12 of 2024 registered with Vadkal Police Station, District Raigad, for offences punishable under Sections 302 and 34 of the Indian Penal Code.

2. The prosecution case is that on 7 February 2024, at about 3.44 p.m., the complainant, Sandeep Balu Patil, aged 42 years, engaged in hotel business and residing at Gandharv Hotel, Vadkal Naka, Taluka Pen, District Raigad, lodged a complaint with Vadkal Police Station. He stated that the manager of his Savli Lodge situated above Gandharv Hotel, namely, the deceased Dharmendra Kushwaha, was murdered in Room No. 115 of the lodge by

unknown persons between 8.00 p.m. on 6 February 2024 and 12.35 a.m. on 7 February 2024. The assailants used a sharp weapon to slit the throat of the deceased, inflicted serious injuries, and further mutilated his body by cutting his private part and placing it on his eyes. Based on this complaint, a crime bearing No. 12 of 2024 came to be registered under Section 302 of the Indian Penal Code.

3. During investigation, on the basis of CCTV footage and information received from a confidential informant, the Local Crime Branch, Raigad-Alibaug, arrested three accused persons, namely, (1) Chandrajit Zankuram Bharadwaj, (2) Harishankar Lalchand Rajbhar, and (3) Anjudevi alias Rani Saroj Chauhan. Upon interrogation, they allegedly confessed their involvement in the crime. As per the charge-sheet, accused Chandrajit Bharadwaj and Harishankar Rajbhar had earlier quarreled with the deceased Dharmendra Kushwaha over room booking in the lodge. During that quarrel, the deceased and his relative Vinod Kushwaha allegedly used abusive words referring to the mother and sister of accused Chandrajit Bharadwaj and also made obscene remarks. It is stated that the accused was raised by his mother and sister after his father's death in early childhood and was therefore deeply hurt by the insults. On the day of the incident, upon seeing co-accused Anjudevi at the lodge, accused Chandrajit assumed that she had been called there by the deceased and, in a fit of rage arising from the past altercation, committed the murder in the manner described.

4. The complaint, therefore, came to be lodged by Sandeep Patil, the owner of Gandharv Hotel and Savli Lodge, on 7 February 2024.

5. Learned counsel for the applicant submitted that the applicant was arrested on 7 February 2024, whereas the supplementary statement of the witness who spoke of the motive and presence of the applicant was recorded only on 8 February 2024. He pointed out that in the first statement recorded on 7 February 2024, the witness stated that accused No. 3 was seen going towards the room of the deceased at around 7.00 p.m., that the deceased came down at about 8.15 p.m., and that at around 9.40 p.m. accused No. 3 was seen hurriedly leaving the lodge. The same witness further stated that when he went there at about 11.00 p.m., he saw the applicant in a bare condition.

6. The learned counsel further submitted that the supplementary statement recorded on 8 February 2024, wherein the witness spoke about the motive based on abuse by the deceased, does not appear believable, since the nature of assault, cutting the private part and placing it on the eyes, does not seem consistent with the alleged provocation. He further submitted that the statement of 8 February 2024 refers to the applicant being seen with another person going towards the room of the deceased. He pointed out that accused No. 3 has already been released on bail by this Court and, therefore, the applicant also deserves to be released on bail on the ground of parity.

7. Learned Additional Public Prosecutor opposed the application. She submitted that the statement of the witness recorded on 8 February 2024 establishes the motive as well as the presence of the applicant at the relevant time. She pointed out that the applicant was seen entering the lodge at about 8.30 p.m. and leaving shortly thereafter. She, therefore, submitted that the application for bail deserves to be rejected.

8. I have heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the State. I have perused the FIR, charge-sheet, and the statements of witnesses placed on record.

9. The prosecution case rests mainly on circumstantial evidence. There is no direct eyewitness to the act of murder. The alleged motive arises out of an earlier quarrel between the deceased and accused No.1, Chandrajit Bharadwaj, which, even if taken at face value, appears remote in time. There is no material to show that the applicant was involved in that quarrel or shared any common intention with the principal accused to commit the offence.

10. The statements of witnesses recorded on 7 February 2024 do not attribute any overt act to the present applicant. The supplementary statement recorded on 8 February 2024, which seeks to connect the applicant with the crime and suggest motive, appears to be an improvement and was recorded after the arrest of the applicant. Such improvement creates doubt about its reliability.

11. The prosecution relies upon CCTV footage, but as per the charge-sheet, the footage only shows the applicant entering and leaving the lodge premises. It does not show his presence inside the room of the deceased or participation in the actual act of assault. Mere presence at the lodge premises, without any other incriminating material, is not sufficient to infer common intention under Section 34 of the Indian Penal Code.

12. It is also material that co-accused No.3, who was allegedly last seen with the deceased and whose presence at the lodge is specifically mentioned by the witness, has already been released on bail by this Court. The role attributed to the applicant stands on similar footing, if not weaker. Hence, on the principle of parity, the applicant is entitled to similar treatment.

13. The investigation is complete, and the charge-sheet has been filed. The applicant has been in custody since 7 February 2024, i.e., for more than eight months. No further custodial interrogation is required. Continued detention will serve no useful purpose. The trial is likely to take considerable time to conclude.

14. There is no material placed on record to show that the applicant, if released on bail, will abscond or tamper with prosecution evidence. Appropriate conditions can safeguard the prosecution's interest.

15. Considering the overall circumstances, the nature of material collected, the absence of direct evidence, the improvements in witness statements, the grant of bail to a co-accused, and the period of incarceration already undergone, this Court is of the

opinion that the applicant deserves to be released on bail.

16. Hence, following order is passed:

i) The applicant is directed to be released on regular bail in connection with C.R. No. 12 of 2024 registered with Vadkhal Police Station, 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 not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the Vadkhal Police Station once in a month, specifically on the 1st day of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall appear before the Trial Court on every date of hearing unless exempted.

(d) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without its prior written permission.

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

(f) 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.

(g) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

17. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)