

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

Bail Application No.797 of 2025

Abhishek Rajendrasingh Bijoliya

Age: 22 years old, Occ: Nil

Permanent Address: Kaliyanpura

Post-Pali, Dirman, Tal-Gohad,

Dist-Bhind, State-Madhyapradesh

Current Add: On rent in the house of

Vinod Ashok Jagtap, New Samangaon

Eklahara Road, Nashik Road,

Dist-Nashik. At present lodged in

Nashik Road Central Prison

... Applicant.

Versus

The State of Maharashtra

Through – P.I., Nashik Road Police Station

(C.R.No.129 of 2024)

... Respondent.

Mr Aniket Vagal, Advocate for the applicant.

Mr SV Walve, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 3 November 2025.

P.C.:

By this application, the applicant seeks bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with CR No.129 of 2024, registered with Nashik Road Police Station, Nashik, for the offences punishable under Sections 302

and 307 of the Indian Penal Code (IPC).

2. It is the case of the prosecution that, on 6 March 2024, at about 9.30 p.m., the applicant is alleged to have committed the offence of murder by causing the death of the deceased, who was his maternal aunt, and thereafter made an attempt to end his own life.

3. Mr Aniket Vagal, learned Counsel appearing on behalf of the applicant, submits that the applicant is innocent and has been falsely implicated in the present crime. It is contended that the applicant and the deceased were involved in an illicit relationship, and there was no intention on the part of the applicant to commit the alleged act of murder. The learned Counsel further submits that, owing to the deceased having discontinued communication with the applicant, a sudden altercation took place between them, during the course of which the alleged assault occurred in the heat of passion and without any premeditation. It is further urged that the deceased sustained only a single injury, and therefore, no intention to cause death can reasonably be attributed to the applicant. The learned Counsel also points out that immediately after the incident, the applicant made an attempt to end his own life, which demonstrates his remorse and lack of criminal intent.

4. The learned Counsel further submits that the applicant has no prior criminal antecedents and has always been a law-abiding member of society. The investigation into the matter has been concluded, and a charge sheet has already been filed before the competent Court. It is also submitted that the weapon allegedly used in the offence has been recovered from the scene of occurrence, and nothing further remains to be seized or discovered at the instance of the applicant. In conclusion, the learned Counsel submits that the applicant is ready and willing to comply with any conditions that this Court may deem fit and proper to impose in the event of the grant of bail.

5. Mr SV Walve, the learned Additional Public Prosecutor appearing on behalf of the respondent/State, has vehemently opposed the present application. The learned APP submits that the alleged offence is of a grave and heinous nature, involving a deliberate, calculated, and fatal assault upon the deceased. It is contended that the act attributed to the applicant was not the result of any sudden or grave provocation, as sought to be portrayed by the defence, but was instead premeditated and executed with clear intent and preparation.

6. The learned APP further submits that the applicant was

engaged in an illicit relationship with the deceased, which the deceased sought to terminate. Aggrieved by her refusal to continue the said relationship, the applicant, driven by malice and resentment, allegedly committed her murder. The prosecution asserts that the act was not spontaneous, as the applicant had procured the weapon of offence a knife through an online purchase, thereby demonstrating prior planning and deliberation.

7. It is submitted that on the day of the incident, upon the deceased reiterating her unwillingness to continue the relationship, the applicant insisted that she comply with his wishes. When she refused, the applicant is alleged to have taken the knife from his bag and inflicted a fatal stab injury upon her person. The learned APP contends that the conduct of the applicant, both prior to and during the commission of the offence, unequivocally manifests his criminal intent, motive, and premeditation.

8. The learned APP further points out that the minor daughter of the deceased witnessed the entire incident, and her statement corroborates the sequence of events as recorded in the charge sheet. Attention of this Court is invited to the Post-Mortem Report, which records the cause of death as

“haemorrhagic shock due to a stab wound to the neck.” The medical evidence, it is submitted, conclusively establishes that the injuries sustained by the deceased were sufficient in the ordinary course of nature to cause death.

9. The learned APP has also relied upon the Forensic Science Laboratory (FSL) Report, which confirms that the injuries sustained by the deceased are consistent with having been inflicted by the knife recovered from the scene of occurrence. It is further submitted that the charges against the applicant have been duly framed on 29th August 2025, and that the trial has already commenced. In these circumstances, it is apprehended that if the applicant is enlarged on bail at this crucial stage, he may attempt to tamper with or influence the prosecution witnesses, thereby obstructing the fair and proper administration of justice.

10. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

11. It appears from the record that the allegations against the applicant pertain to the commission of an offence punishable under Section 302 of the Indian Penal Code. The facts, as disclosed in the First Information Report and corroborated by the material collected during the course of investigation, *prima*

facie indicate that the incident involved a deliberate, premeditated, and fatal assault upon the deceased with a deadly weapon.

12. The evidentiary material placed on record demonstrates that the assault was not the result of any sudden provocation, quarrel, or heat of passion, but rather the culmination of a deliberate and calculated design on the part of the applicant. It has surfaced that the applicant was engaged in an illicit relationship with the deceased, and upon the deceased expressing her desire to terminate such a relationship, the applicant, harbouring malice and resentment, perpetrated her murder.

13. The sequence of events, as borne out from the investigation, further substantiates the element of premeditation. It is revealed that the applicant procured the weapon of offence a knife through an online purchase, concealed the same in his possession, and at the opportune moment, when the deceased refused to continue the relationship, retrieved the weapon and inflicted a grievous stab wound upon the neck of the deceased. Thereafter, the applicant attempted to take his own life by causing injuries to his own neck.

14. Such conduct, viewed cumulatively, *prima facie* evinces the presence of premeditation, criminal intent, and motive to cause the death of the deceased. The nature and location of the injury inflicted on the neck of the deceased are, *prima facie*, sufficient in the ordinary course of nature to cause death, thereby attracting the rigour of Section 302 IPC.

15. Furthermore, the Forensic Science Laboratory (FSL) Report unequivocally connects the applicant to the commission of the crime, as the bloodstained knife recovered from the scene of occurrence *prima facie* suggests that the weapon was used in the fatal assault.

16. It is also pertinent to note that the trial in the present case has already commenced, and the testimony of a material child witness is yet to be recorded. Considering that the applicant is a close relative of the deceased, there exists a substantial apprehension that, if enlarged on bail, he may attempt to influence or intimidate witnesses and tamper with the prosecution evidence.

17. In light of the foregoing, and upon a *prima facie* evaluation of the material available on record, there appears to be sufficient incriminating evidence to implicate the applicant in the commission of the present offence.

18. In view of the gravity of the offence, the existence of direct evidence implicating the applicant, the potential impact on the course of justice and the stage of the trial proceedings, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the present bail application stands rejected.

[R.N. Laddha, J.]