

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

Bail Application No. 862 of 2025

Nanda Ganesh @ Lahu Chavan
Age 26 years old, Occ: Labour,
R/o.: Khalwadi, Jai Ganesh Society,
Shirgaon, Tal-Maval, District Pune,
At present lodged in Yerwada
Central Prison, Pune.

... Applicant

Versus

The State of Maharashtra
through PI Shirgaon Parandwadi
Police Station (C.R. No.12 of 2024).

...Respondent

Mr Aniket Vagal a/w Ms Savvy Kolhekar a/w Ms Juhi Kadu a/w
Mr Kunal Pednekar, for the Applicant.
Mr SV Walve, APP, for Respondent/State.
PSI NA Shaikh, Shirgaon Parandwadi Police Station, Pimpri
Chinchwad.

Coram: R.N. Laddha, J.

Date: 18 September 2025

P.C.:

By this application, the applicant seeks bail in connection
with CR No.12 of 2024, registered at Shirgaon Parandwadi
Police Station, Pimpri-Chinchwad, for offences punishable
under Sections 302, 201 read with Section 34 of the Indian
Penal Code (IPC).

2. It is alleged that the applicant, acting in concert with the co-accused, has committed the offence of murder of one Sunanda (hereinafter referred to as “the deceased”). Furthermore, with the intent to evade criminal liability and obstruct the course of justice, the applicant and the co-accused engaged in acts aimed at the destruction of material evidence by attempting to dispose of the deceased’s body.

3. Learned counsel appearing for the applicant has vehemently contended that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the investigation in the matter has concluded and the charge sheet has already been filed before the competent court. In such circumstances, continued incarceration of the applicant serves no further investigative purpose and is wholly unwarranted.

4. The learned Counsel further submits that the applicant is a woman with no prior criminal antecedents and is the sole caregiver to her two minor children. It is emphasised that there is no recovery or discovery attributable to the applicant under Section 27 of the Indian Evidence Act, nor is there any material evidence linking her directly to the commission of the alleged offence.

5. It is further argued that there are no eyewitnesses to the

incident in question. The only allegation levelled against the applicant pertains to the purported destruction of evidence, allegedly with the intent to shield herself from criminal liability. However, such an allegation, in the absence of substantive corroboration, cannot justify prolonged detention.

6. The prosecution's case is primarily based on hearsay testimonies, and the statement of the son of the deceased, which forms a significant part of the prosecution narrative, lacks corroboration from any independent or material evidence. The evidentiary value of such uncorroborated statements is inherently weak and cannot be the sole basis for continued custody.

7. It is further submitted that the applicant has been in judicial custody since January 2024 and has already undergone considerable incarceration without any substantial progress in trial proceedings. In view of the foregoing, it is prayed that the applicant be enlarged on bail, subject to such terms and conditions as this Court may deem fit and proper.

8. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request, submits that the trial proceedings have already commenced before the learned trial Court. It is

submitted that out of the six prosecution witnesses, three witnesses have already been examined, and the trial is progressing in a time-bound manner.

9. Learned APP further submits that the applicant has previously approached the Sessions Court on two separate occasions seeking enlargement on bail, and both such applications were duly considered and rejected on merits. It is further contended that the applicant has been specifically named by an eyewitness, who has attributed to her a distinct and active role in the commission of the offence. The eyewitness account in question forms a crucial part of the prosecution's case and cannot be disregarded at this stage. The gravity of the offence, coupled with the nature of the allegations and stage of the trial, militates against the grant of bail.

10. This Court has carefully perused the copy of the charge sheet filed by the investigating officer, along with the annexed documents forming part of the record. Upon examination of the record, it is evident that the trial proceedings have already commenced. Out of six prosecution witnesses, three have been duly examined before the learned trial Court. From the material available on record, the presence of the applicant at

the scene of the offence and her active participation in the commission of the crime are *prima facie* seen. The prosecution has relied upon the testimony of an eyewitness who has categorically implicated the applicant and attributed to her a specific and overt role in the commission of the offence. There exists a strong *prima facie* case against the applicant/ accused.

11. Furthermore, considering the nature of the allegations and the stage of trial, there is a reasonable apprehension that if enlarged on bail, the applicant may attempt to influence or intimidate prosecution witnesses and may also tamper with the evidence. The offence alleged is of a grave and serious nature, involving the brutal and cold-blooded murder of the deceased. The applicant, along with the co-accused, is alleged not only to have committed the murder but also to have attempted to destroy material evidence by clandestinely burying the dead body. Although it is contended on behalf of the applicant that her role is limited to the alleged disposal of the dead body and that the actual act of murder was committed by the co-accused, the statement of the child witness contradicts such an assertion. The child witness has made a direct and incriminating statement, affirming that the applicant actively participated in the act of murder by holding the legs of the deceased during the commission of the offence and subsequently assisted in the

burial of the body.

12. In view of the above facts and circumstances, and considering the gravity of the offence, the stage of trial, and the likelihood of the applicant interfering with the administration of justice, this Court is not inclined to exercise discretion in favour of the applicant.

13. Accordingly, the present bail application stands rejected.

14. It is made clear that the observations made in this order shall not influence the trial Court in further proceedings.

[R.N. Laddha, J.]