

Shabnoor

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

BAIL APPLICATION NO.884 OF 2025

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Ravindra @ Gantya Janu Mali

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Akshata Desai a/w Sahir Patel i/b Mr. Nitim Sejpal,
for the applicant.

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

Mr. Nandkumar, PSI, Jawhar Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 11, 2025

P.C.:

1. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking his release on bail in connection with Crime Register No. I-15 of 2022 registered at Jawhar Police Station, District Palghar. The offence registered against the applicant is under Section 302 of the Indian Penal Code, 1860, which pertains to the offence of murder.

2. As per the case of the prosecution, the applicant is the son of the deceased. Both the applicant and the deceased were residing in the same house. It is the prosecution's case that both the applicant and the deceased were habitual consumers of alcohol and used to quarrel frequently under its influence. It is further

alleged that on account of a quarrel that arose over the deceased not handing over his pension amount to the applicant, the applicant assaulted his father, resulting in serious injuries to his head. The further allegation is that after causing the said injuries, the applicant did not provide medical treatment to his father, which ultimately led to his death. It appears that the applicant had moved a bail application before the learned Sessions Court, which was rejected. Hence, the present application has been filed before this Court seeking bail.

3. Learned Advocate appearing for the applicant has drawn my attention to the charge-sheet as well as statements of the informant and other witnesses. It is submitted that there is no direct evidence on record to establish that the injuries caused by the applicant were sufficient in the ordinary course of nature to cause death. Learned counsel pointed out that the post-mortem report shows that although there were injuries on the head of the deceased, the same was not shown to be the direct cause of death. It is also argued that the injuries found on the deceased were about 6 to 7 days old prior to the post-mortem. The alleged quarrel between the applicant and the deceased took place sometime between 28th January 2022 and 1st February 2022. The post-mortem was conducted at 1:50 p.m. on 3rd February 2022. The applicant came to be arrested on 2nd February 2022 and is in custody since then. It is submitted that the charges have not yet been framed and there is no likelihood of the trial being concluded in the near future. Therefore, it is prayed that the applicant be released on bail.

4. On the other hand, learned APP has opposed the bail application and submitted that there is prima facie material on record to show that the applicant had assaulted his father. The statements of witnesses recorded during the investigation also support the prosecution version that there were repeated quarrels and beatings by the applicant. The motive for the incident is stated to be the applicant's demand for the deceased's pension money. It is argued that the offence alleged is of a grave and serious nature involving patricide. Considering the seriousness of the offence and the age of the deceased, it is submitted that the applicant does not deserve to be released on bail at this stage.

5. Having considered the overall facts and the material placed on record, it appears that the alleged incident is said to have occurred between 28th January 2022 and 1st February 2022. However, from the record, there does not appear to be any direct or strong incriminating material at this stage to conclusively connect the applicant with the act of causing the death of his father. The statements of witnesses primarily refer to previous quarrels and general conduct of the applicant, but no eye-witness account or forensic evidence is placed on record showing that the injuries found on the deceased were a direct result of the act of the applicant. Furthermore, the medical evidence, particularly the post-mortem report, does not indicate with certainty that the injuries caused the death or that the same were recent and consistent with the time of death. In such circumstances, and particularly when there is no substantial material justifying the continued incarceration of the applicant during the pendency of

the trial, this Court is of the considered opinion that further pre-trial detention is not warranted. The applicant has therefore made out a case for being released on bail.

6. On overall consideration of the material and the submissions made, it further appears that the charges are yet to be framed, and the trial is not likely to commence or conclude in the immediate future. The applicant is in custody since 2nd February 2022 and no significant progress has been shown in the trial proceedings. In view of the settled legal position that prolonged pre-trial detention violates the right to life and personal liberty under Article 21 of the Constitution of India, the applicant is entitled to be enlarged on bail. However, in order to ensure that the liberty so granted is not misused and the safety of prosecution witnesses, including family members, is not compromised, certain strict conditions are required to be imposed while granting bail.

7. In view of the above discussion and legal position, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, Ravindra @ Gatyia Janu Mali, shall be released on bail in connection with C.R. No. I-15 of 2022 registered with Jawhar Police Station, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(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 attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(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.

8. The Bail Application is accordingly disposed of.

(AMIT BORKAR, J.)