

AGK

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

BAIL APPLICATION NO.1017 OF 2025

Vitthal Ganesh Dudheshiya	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Mohammed Umar Kazi with Ms. Sonia Santis for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. R.N. Salve, PSI, Hill Line Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. I-177 of 2020 registered at Hill Line Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. As per the prosecution case, between 8.00 p.m. on 18th June 2020 and 3.00 p.m. on 19th June 2020, an unknown person committed the murder of one Shejumaal Kerumal Ramnani by stuffing a cotton swab into his mouth and strangulating him with an iron wire. On the basis of a complaint lodged by the informant, the crime was registered against the present applicant at Hill Line Police Station.

3. Learned Advocate for the applicant submitted that the entire case of the prosecution rests on circumstantial evidence. The two circumstances relied upon by the prosecution are—firstly, that the applicant was allegedly last seen with the deceased approximately 24 hours prior to the discovery of the dead body; and secondly, that there was a monetary transaction of ₹5,000/- between the applicant and the deceased, which is sought to be projected as a motive for the crime. It is submitted that the applicant has been arrested on 24th June 2020 and the charge has already been framed. However, till date, not a single witness has been examined by the prosecution. It is further submitted that the prosecution has cited as many as 50 witnesses, and considering the present pace of the trial, there is no likelihood of its completion within a reasonable period. Therefore, the applicant prays for his release on regular bail.

4. On the other hand, the learned APP vehemently opposed the bail application. It is submitted that the circumstances relied upon by the prosecution are sufficient to establish a complete chain pointing to the guilt of the applicant. It is submitted that the alleged motive arising out of the unpaid loan amount is strong enough to give rise to a plausible reason for commission of the offence. It is further submitted that the “last seen” circumstance is not merely based on oral evidence but is supported by CCTV footage, which allegedly shows the applicant riding a two-wheeler with the deceased near the applicant’s residence. On the strength of these two circumstances, it is contended that the prosecution has prima facie established a complete chain of events linking the

applicant to the offence. The learned APP, therefore, prays for rejection of the bail application.

5. I have carefully considered the rival submissions advanced by the learned Advocate for the applicant and the learned APP. I have also perused the material placed on record, including the charge-sheet and other documents relied upon by the prosecution.

6. It is not in dispute that the present case is based entirely on circumstantial evidence. The two circumstances forming the basis of the prosecution case are: (i) the alleged motive of a monetary dispute involving ₹5,000/-, and (ii) the “last seen” circumstance, supported by CCTV footage, showing the applicant and the deceased together on a two-wheeler, allegedly near the applicant's house.

7. It is also pertinent to note that the applicant has been in custody since 24th June 2020, i.e., for more than 4 years. Though charges have been framed, no witnesses have been examined till date. The prosecution has cited 50 witnesses, and therefore, in all likelihood, the trial will take considerable time to conclude. In such circumstances, continued incarceration of the applicant would amount to pre-trial punishment, which is not permissible in law.

8. There is nothing on record to suggest that the applicant may abscond or tamper with the prosecution evidence or influence the witnesses if released on bail. The apprehensions expressed by the prosecution can be taken care of by imposing suitable conditions.

9. In view of the above discussion, this Court is of the considered opinion that the applicant deserves to be released on bail.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.I-177 of 2020 registered with Hill Line Police Station for offences punishable under Section 302 of the Indian Penal Code , upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty 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 report the Hill Line Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness, directly or indirectly.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.

f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)