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

BAIL APPLICATION NO.1038 OF 2025

Rajesh Banjire Sonar @	
Rajesh Bajire Sonar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Prashant Pandey with Ms. Sumati Gupta and Ms. Ridhima Mangaonkar i/by W3Legal LLP for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. D.B. Sawant, PSI, Saphala Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 31, 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. 50 of 2023 registered with Saphale Police Station for offences punishable under Sections 302 (murder), 397 (robbery), 201 (causing disappearance of evidence), 120-B (criminal conspiracy), and 34 (common intention) of the Indian Penal Code, 1860.

2. As per the prosecution case, the deceased, Smt. Padma Bik, was the mother of the first informant. It is stated that the deceased

was addicted to alcohol for the past ten years. On 5th June 2023, the first informant, after returning from work at around 10:30 p.m., went along with his daughter to visit his mother at her flat, but found her missing. Despite making enquiries, her whereabouts could not be ascertained. The next morning, i.e., on 6th June 2023, after continued efforts to search for her till about 9:00 a.m., the informant approached Saphale Police Station and lodged a missing person report. While at the police station, the police received information that a woman's body had been found in a field near Mande Village. The first informant accompanied the police to the spot and identified the body as that of his mother. Accordingly, the present FIR came to be registered.

3. Learned Advocate for the applicant has submitted that the case of the prosecution is based solely on circumstantial evidence. It is argued that there is no direct evidence to connect the applicant with the actual commission of the offence. The only material relied upon by the prosecution is that the applicant is alleged to have been in contact with the co-accused, from whom some articles belonging to the deceased, such as gold ornaments and her mobile phone, were recovered. It is further submitted that in his disclosure statement under Section 27 of the Indian Evidence Act, the co-accused has named the applicant. However, it is contended that apart from such statement of a co-accused and the alleged recovery, there is no other independent or corroborative material to form a complete and unbroken chain of circumstances pointing to the guilt of the present applicant.

4. It is also pointed out by the learned counsel for the applicant that the co-accused, Karan, who is alleged to have played a more direct role in the offence, has already been granted regular bail by this Court. It is submitted that the present applicant stands on a similar, if not better footing, and deserves to be released on parity. Furthermore, it is argued that the applicant has no prior criminal record and is a permanent resident, not likely to abscond or tamper with the evidence, and that the investigation is already complete. Hence, further detention of the applicant is not warranted.

5. Per contra, learned Additional Public Prosecutor has strongly opposed the bail application. It is submitted that the articles of the deceased were recovered from the co-accused, who is shown to have been in regular contact with the present applicant. It is further pointed out that the Call Detail Records (CDRs) of the mobile phones indicate that the applicant and the deceased were present in the same location at the time when the offence is believed to have occurred. It is contended that this circumstance, coupled with the disclosure made by the co-accused, indicates the involvement of the applicant in the crime. It is thus urged that the application for bail be rejected at this stage.

6. At the outset, it is not in dispute that the case of the prosecution is entirely based on circumstantial evidence. No eyewitness has been cited by the prosecution who may have seen the present applicant either accompanying the deceased or participating in the commission of the alleged offence.

7. The main circumstance relied upon by the prosecution is the recovery of gold ornaments and mobile phone of the deceased from the possession of the co-accused, who is alleged to have been in contact with the present applicant. Merely being in contact with the co-accused, without any direct involvement or possession of the stolen property, does not, at this stage, *prima facie* establish a strong case of guilt against the applicant.

8. The CDRs relied upon by the prosecution merely suggest that the mobile phones of the applicant and deceased were present in the same geographical area on the day of the incident. However, such location data, without more, is not sufficient to conclusively connect the applicant to the scene of offence or to the act of murder. Presence in the vicinity, by itself, does not amount to participation in the crime.

9. The alleged implication of the applicant has primarily surfaced from the statement of co-accused under Section 27 of the Indian Evidence Act. It is well settled that such a statement, insofar as it relates to another co-accused, is weak evidence and cannot be the sole basis for denial of bail, particularly in the absence of any independent corroboration.

10. Importantly, the co-accused Karan, from whom the incriminating articles were allegedly recovered and who is stated to have played an active role, has already been released on regular bail by this Court. The role attributed to the present applicant, as per the prosecution case itself, appears to be comparatively secondary or similar. Hence, the rule of parity would also apply in

favour of the applicant.

11. It is further seen that the applicant does not have any criminal antecedents and is a permanent resident of the local area. He is not likely to abscond or tamper with the prosecution evidence. The investigation is complete and the charge-sheet has already been filed. Therefore, his custodial interrogation is no longer required.

12. Having regard to the overall facts and circumstances of the case, the nature of allegations, the material presently available on record, the period of incarceration already undergone by the applicant, and the settled principles governing grant of bail in cases resting on circumstantial evidence, this Court is of the considered view that a case for granting regular bail is made out.

13. 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.50 of 2023 registered with Saphale Police Station for offences punishable under Sections 302, 397, 201, 120(B) and 34 of the Indian Penal Code, 1860, 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, 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.

(b) The applicant shall report the Saphale Police Station on first Monday once in three months between 10.00 a.m. to 12.00 noon, until further orders.

(c) The applicant shall not tamper with the evidence or attempt to influence any witness.

(d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

(f) The applicant shall not indulge in any criminal activity during the pendency of the trial.

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

14. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)