

AGK

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

BAIL APPLICATION NO.1234 OF 2025

Ramapati Devi Shankar Sahu	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Amin Solkar with Ms. Sejal Jain, and Mr. Mohd.
Taha for the applicant.

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

CORAM : AMIT BORKAR, J.

DATED : AUGUST 25, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short). By this application, the applicant seeks his release on regular bail in connection with Crime Register No.402 of 2019, registered with Narpoli Police Station, for offences punishable under Sections 302 and 397 read with Section 34 of the Indian Penal Code, 1860 ("IPC" for short).

2. As per the case of the prosecution, the incident came to light on 7th July 2019 at about 3.00 p.m. when the complainant, after finishing his work in Thane, returned to his shop. On arrival, he noticed a strong foul odor coming from the adjoining Shop No.11. Sensing something amiss, he immediately contacted the Secretary of the society, Mr. Abhimanyu Pandey, and apprised him of the situation. Mr. Pandey, along with other members of the society,

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rushed to the spot. Considering the suspicious circumstances, Narpoli Police Station was informed. The police reached at about 4.00 p.m., and in the presence of society members, the shutter of the said shop was forcibly broken open with the help of a hammer. Upon opening, a gruesome scene was revealed – a male body was lying in a pool of blood inside the shop. The deceased, aged about 40–45 years, had sustained grievous injuries on the neck and the right wrist, apparently caused by a sharp-edged weapon. The body was found to be in a highly decomposed condition, indicating that death had taken place about two to three days prior to its discovery. In these circumstances, the complaint came to be registered.

3. Learned Advocate for the applicant has argued that the prosecution case rests entirely on circumstantial evidence, and there is no direct evidence connecting the applicant with the commission of the offence. It is submitted that the applicant came to be arrested on 13th July 2019, i.e., nearly a week after the incident. The charge-sheet has been filed citing as many as 41 witnesses. However, till date, not a single witness has been examined. Thus, the trial is not likely to conclude in the near future. Learned counsel, therefore, urged that prolonged incarceration of the applicant without trial would amount to denial of his fundamental right guaranteed under Article 21 of the Constitution of India. On this basis, it is submitted that the applicant deserves to be released on bail.

4. On the other hand, the learned APP has strongly opposed the grant of bail. It is submitted that the prosecution has collected

material in the form of CCTV footage, which clearly indicates the circumstance of the deceased last having been seen in the company of the applicant. In addition, recovery of incriminating articles at the instance of the applicant further strengthens the prosecution case. According to the learned APP, these circumstances, taken together, establish a strong prima facie case of the applicant's involvement in the heinous crime. Therefore, the learned APP submits that this is not a fit case for grant of bail, and the application deserves to be rejected.

5. I have considered the rival submissions advanced on behalf of the applicant and the learned APP, and have also perused the material placed on record. It is not in dispute that the case of the prosecution is essentially founded upon circumstantial evidence. There is no eye-witness to the incident. The principal reliance is placed on CCTV footage showing the circumstance of last seen and on certain recoveries made at the instance of the applicant. At this stage, the veracity and evidentiary value of such material will be tested only during the course of trial.

6. It is also an admitted position that the applicant has been in custody since 13th July 2019, i.e., for more than six years. The prosecution has cited as many as 41 witnesses, but till date not a single witness has been examined. This clearly indicates that the trial is not likely to conclude in the near future. The right to speedy trial is a part of the fundamental right guaranteed under Article 21 of the Constitution of India. Prolonged detention of an undertrial prisoner, without reasonable progress in trial, amounts to violation of this right.

7. It is well settled that at the stage of considering bail, the Court is not expected to meticulously appreciate the evidence, but is required to balance the seriousness of the allegations with the length of custody already undergone and the likelihood of early completion of trial. In the present case, though the offence alleged is undoubtedly grave and serious, the long incarceration of the applicant without progress in trial weighs in favour of granting him bail.

8. Having regard to the above circumstances, and taking into account the settled principles of law, I am of the considered view that further detention of the applicant is not justified. The apprehension of the prosecution can be safeguarded by imposing appropriate conditions.

9. 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 402 of 2019 registered with Narpoli Police Station for offences punishable under Sections 302, 397 read with Section 34 of the IPC, 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 not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the

deceased.

(b) The applicant shall report to the Narpoli Police Station once in a month, specifically on the 1st Monday of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not leave the State of Maharashtra without its prior written permission.

(d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) 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.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)