

VRJ

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

BAIL APPLICATION NO.1253 OF 2025

VAIBHAV
RAMESH
JADHAV

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Mohammed Mohsin Murtuza Shaikh ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Meghashyam Kocharekar for the applicant.

Mr. Sagar R. Agarkar, APP for the State.

Mr. K. D. Vartha, Padgha Police Station, Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 9, 2025

P.C.:

1. This is an application filed by the applicant–accused No.2 under Section 439 of the Code of Criminal Procedure, 1973 seeking his release on bail in connection with Crime Register No. I-501 of 2023 registered with the concerned Police Station for offences punishable under Sections 302, 201, and 34 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the allegation is that accused No.1 has committed the murder of the deceased, which is stated to be supported by four eyewitnesses. However, insofar as the present applicant is concerned, the allegations levelled against him, as reflected from the charge sheet, are restricted to his

alleged role under Section 201 of the Indian Penal Code, 1860. The prosecution case against the applicant is that he allegedly assisted in disposing of the body of the deceased on a motorcycle and further tried to remove the bloodstains from the place of incident so as to destroy evidence of the crime.

3. The learned Additional Sessions Judge, Bhiwandi, by his order, rejected the bail application of the present applicant on the ground that he had assisted the main accused (accused No.1) in destroying evidence and thereby had committed an offence under Section 201 of the IPC.

4. Learned counsel appearing for the applicant submitted that a bare perusal of the charge sheet and the statements of witnesses would indicate that the applicant has not been attributed any direct role in the commission of the offence under Section 302 of the IPC. It is contended that the entire case against the applicant is confined to post-incident conduct, which may at the highest attract the offence under Section 201 of the IPC. The learned counsel further submitted that the offence under Section 201 is triable by a Magistrate and carries a lesser degree of punishment compared to Section 302. It is submitted that the applicant has no criminal antecedents and is willing to abide by any conditions that may be imposed by this Court.

5. On the other hand, learned APP has strongly opposed the application. It is submitted that the offence in question is serious and involves the loss of human life. The learned APP submitted that the act of the applicant in allegedly helping the main accused

to destroy the evidence must be viewed seriously and, considering the gravity of the offence, the application deserves to be rejected.

6. Upon careful perusal of the charge sheet and the statements of the prosecution witnesses recorded during investigation, it prima facie appears that the specific role attributed to the present applicant–accused No.2 is confined to the post-incident conduct, particularly in connection with the alleged disposal of the body of the deceased and removal of bloodstains from the spot of occurrence. There are no direct allegations or material in the charge sheet linking the applicant with the actual act of murder. Even if the prosecution case is accepted at face value, the allegations against the applicant may, at the highest, amount to causing disappearance of evidence of the offence and thereby attracting the offence punishable under Section 201 of the Indian Penal Code, 1860. At this stage, there is no material to suggest that the applicant had any common intention with accused No.1 to commit the alleged offence under Section 302 IPC.

7. It is not in dispute that the applicant was arrested on 12th September 2023 and has been in custody since then. The applicant does not have any criminal antecedents to his discredit. It is further to be noted that the maximum punishment prescribed under Section 201 IPC, in a case where the underlying offence is punishable with death or life imprisonment, is up to 7 years with fine. Taking into account the period already undergone by the applicant in judicial custody and the nature of the role ascribed to him in the present case, this Court is of the considered opinion that a case for grant of bail is made out. The trial is likely to take some

time and further incarceration of the applicant, when the offence alleged against him is triable by a Magistrate and is of a comparatively lesser degree, would not serve the ends of justice. There is also nothing on record to indicate that the applicant has tried to tamper with the prosecution evidence or influence any witness during investigation. Hence, considering the totality of circumstances, a prima facie case is made out for releasing the applicant on bail with appropriate conditions.

8. Accordingly, the applicant is directed to be released on bail in connection with C.R. No. I-501 of 2023 upon furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any prosecution witness, directly or indirectly, in any manner.
- b) The applicant shall attend the proceedings before the Trial Court on all dates fixed, unless prevented by sufficient cause, in which case prior intimation shall be given.
- c) The applicant shall not leave the territorial jurisdiction of the Trial Court without obtaining prior permission.
- d) The applicant shall not indulge in any criminal activity during the pendency of the trial and shall maintain good conduct.

9. The bail application is accordingly disposed of in the above terms.

(AMIT BORKAR, J.)