

AGK

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

BAIL APPLICATION NO.1472 OF 2025

Ramashish Rajendra Patel	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Raju Suryawanshi for the applicant.

Ms. Pallavi N. Dabholkar, APP for the respondent-State.

Mr. N.B. Pandhare, PSI, Narpoli Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 7, 2025

P.C.:

1. The present application is preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No.948 of 2023 registered with Narpoli Police Station, for offences punishable under Sections 302, 201, 364A, 363 and 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, as emerging from the First Information Report, is that the complainant, who is residing in Bhiwandi for the past two years, lodged a report on 28th November 2023. It is stated that she resides along with her husband Ravi Prakash Sharma, aged 48 years, her son Abhishek, aged 22 years, daughter Kavita, aged 19 years, and her youngest

son Yogesh, who is aged 16 years, 5 months, and 6 days. The husband of the complainant earns livelihood by driving an autorickshaw and her son Abhishek is employed at a car showroom. The youngest son, Yogesh, who had studied up to 9th standard, had discontinued his education and used to occasionally engage in car cleaning work. On several occasions, it is alleged, he used to stay away from home for 2–3 days at a time.

3. It is alleged that on 25th November 2023, at about 7.30 p.m., while the complainant was at her residence, her son Yogesh was using her mobile phone bearing number 8087545972. During that time, he received a call on the said mobile. After attending the call, Yogesh informed the complainant that he was going towards Kalher Creek and would return soon. It is alleged that he left the house taking with him the said Vivo mobile phone and another mobile phone, but thereafter did not return. The complainant allegedly tried to contact him on both the mobile numbers, i.e., 8087545972 and 7058256772, however, both numbers were found to be switched off. It is further alleged that thereafter the complainant, along with her husband, made an extensive search in the surrounding areas, namely Sainagar, Kamatghar, Ajuranfata, Kalher, Kasheli, Purna and Khadikinari, but the whereabouts of their son could not be found. They also made enquiries with their relatives, but to no avail. The complainant, therefore, suspected that her son Yogesh had gone missing and that some unknown persons were responsible for the same.

4. Learned counsel appearing for the applicant submitted that the specific role attributed to the present applicant by the

prosecution is in relation to the offence punishable under Section 201 of the Indian Penal Code, 1860. It is submitted that the allegation against the applicant is that he had accompanied four co-accused to purchase certain materials which were to be used for burial of the body of the deceased. It is further submitted that the applicant came to be arrested on 14th January 2024 and is presently in custody. The applicant, therefore, prays that he may be released on regular bail.

5. On the other hand, learned Additional Public Prosecutor, opposing the bail application, drew my attention to the statement of the witnesses, including the shopkeeper and another independent witness, who have stated that the applicant was indeed present along with the other co-accused at the time of purchasing the material allegedly intended for disposal of the deceased's body. It is also brought to my notice that the applicant has as many as seven criminal antecedents to his discredit. In view of these circumstances, the learned APP submitted that the applicant does not deserve to be released on bail.

6. I have considered the rival submissions advanced by the learned counsel for the applicant and the learned APP. I have also perused the material placed on record, including the First Information Report, statements of witnesses, and the grounds for opposing bail.

7. It is to be noted that the specific role attributed to the applicant is confined to the offence punishable under Section 201 of the Indian Penal Code, which pertains to causing disappearance

of evidence or giving false information to screen the offender. There is no direct allegation of the applicant having participated in the alleged act of kidnapping or commission of the homicidal act. The core allegation, as it stands today, is limited to the applicant having accompanied the other co-accused for the purpose of purchasing certain materials allegedly used to bury the deceased. It is also pertinent to note that the alleged incident occurred on 25th November 2023, whereas the applicant came to be arrested much later on 14th January 2024.

8. The investigation in the matter appears to be substantially completed. The charge-sheet has already been filed. The applicant is in custody since his arrest and no further custodial interrogation is stated to be required. The apprehension expressed by the prosecution regarding the antecedents of the applicant can be taken care of by imposing appropriate and stringent conditions.

9. It is well settled that liberty of an individual is of paramount importance, and pre-trial incarceration cannot be justified when the investigation is complete, and the role attributed is not of a primary conspirator or perpetrator of the offence under Section 302 IPC.

10. Having regard to the overall circumstances, nature of allegations, and the role attributed to the applicant, this Court is of the opinion that a case is made out for grant of bail.

11. Hence, following order:

- i) The bail application is allowed;

ii) The applicant is directed to be released on bail in connection with Crime Register No.948 of 2023 registered with Narpoli Police Station for offences punishable under Sections 302, 301, 364(a), 363, 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 attend Narpoli Police Station on first Mondy of every month between 11.00 a.m. to 1.00 p.m., until further orders
- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
- 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.

12. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)