

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1710 OF 2025

Mukeshkumar Rambhavan,
R/o.Gram Bhadhedu, Post.Bhadhedu,
Tehsil Baberu, Dist.Banda, Uttar Pradesh
(presently lodged at Kalyan District Jail)

Applicant

versus

The State of Maharashtra

Respondent

ATUL
GANESH
KULKARNI

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ATUL GANESH
KULKARNI
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Mr.Abdul Raheem Bukhari, Advocate for Applicant.
Mrs.Mahalaxmi Ganapathy, APP for State.
API Kumbhar, Manpada Police Station, present.

CORAM : AMIT BORKAR J.

DATE : 3rd July 2025

PC :

1. This is a bail application filed by the Applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No.316 of 2020 registered with Manpada Police Station, Thane City, for offences punishable under Sections 302, 201, and 34 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, there are total three accused persons involved in the said crime. The present Applicant is arraigned as Accused No.2. It is alleged that the Applicant, along with the other co-accused, committed murder of one Surji Pal. The prosecution has alleged that during the

intervening night of 21st and 22nd August 2020, the deceased was brutally assaulted by all the accused, and later his dead body was disposed of at night with the intention to destroy the evidence of the offence.

3. The learned Advocate appearing on behalf of the Applicant submitted that the co-ordinate Bench of this Court has already granted bail to Accused No.3 in Bail Application No.842 of 2024, who was attributed a similar role as that of the present Applicant. It is submitted that the principle of parity would equally apply to the present Applicant as well, and therefore he deserves to be enlarged on bail.

4. The learned APP opposed the bail application and submitted that although the role attributed to Accused No.3 and the present Applicant may appear to be similar, in fact, the role of the present Applicant is graver, as he took a more active part in the disposal of the dead body. It is further submitted that the offence alleged is of serious nature, and hence bail may be refused.

5. I have carefully considered the submissions of both sides and perused the material placed on record. The specific allegation against the present Applicant, as per the prosecution, is that he, along with Accused No.1 and Accused No.3, was involved in disposing of the dead body of the victim by placing it in a gunny bag and dumping it in a nearby lake. The co-ordinate Bench, while granting bail to Accused No.3 in Bail Application No.842 of 2024, has clearly observed in paragraph

5.4 that the present Applicant and Accused No.3 had together carried the gunny bag to the ground floor along with Accused No.1. Therefore, in my considered view, the role attributed to the present Applicant is not distinguishable from that of Accused No.3, who has already been granted bail.

6. It is further an admitted position that the present Applicant has been in judicial custody since 30th August 2020, and has undergone custody of nearly five years. As of today, even the charge has not been framed, and there is no certainty as to when the trial will commence. The delay in commencement of trial cannot be ignored, particularly when the prosecution has already placed its case against co-accused on similar footing.

7. In view of the above discussion, I am of the opinion that the present Applicant has made out a case for grant of bail, especially on the ground of parity, and considering the prolonged incarceration without any progress in trial. The Applicant can be released on the same terms and conditions as those imposed by the co-ordinate Bench while granting bail to Accused No.3 in Bail Application No.842 of 2024.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No. registered with Manpada Police Station, Thane City, for the offences punishable under Sections

302, 201, 34 of the Indian Penal Code, on furnishing PR.Bond of Rupees Twenty Five Thousands only with one or two sureties in the like amount;

(iii) Before the actual release from jail, the Applicant shall furnish his address where he proposes to reside after his release from jail to Manpada Police Station and also to the Trial Court;

(iv) After his release from jail, the Applicant shall report to the Investigating Officer as and when called for;

(v) The Applicant shall attend the Trial Court on first Tuesday of every month between 11.00 a.m and 01.00 p.m to mark his presence. If the first Tuesday of the said month falls on a holiday and/or non Court working day, the Applicant shall mark presence on the next working day;

(vi) The Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments. If he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) The Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) The Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(ix) In case of any infraction of the above conditions and/or two consecutive defaults in marking his

attendance before Trial Court, it shall attract the provisions of Section 439(2) of Cr.PC for cancellation of bail.

(AMIT BORKAR, J.)

MST