

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1784 OF 2025**

Mohit Sitla Chaubey
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Prabhakar M. Jadhav a/w Shekhar V. Mane i/by Ditendra Mishra, *for the Applicant.*

Ms. Anamika Malhotra, *APP for the Respondent - State.*

API – Sanjay Gole, Rabale MIDC Police Station, Navi Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 01ST DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.292 of 2024 dated 24th July, 2024, registered with the Rabale MIDC Police Station, for the offence punishable under Sections 103 (1) of the Bhartiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, in brief, are that the Applicant and the deceased were employees of Steel Crow-

Ford Equipment Pvt. Ltd., plot No.R-614, Rabale MIDC, Navi Mumbai, Maharashtra. The deceased was a watchman in the company. It appears that the Applicant went to the premises of the Company and he and the deceased had an argument near the gate of the Company. The Applicant was seen in the CCTV camera, walking inside the gate of the premises of the Company alongside the deceased. Both were seen to be engaged in a conversation. After some time, only the Applicant came out of the gate. The family of the deceased was informed by an acquaintance that, the deceased was lying inside the company premises in an unconscious condition. When the family rushed to the Company premises, after informing the police, it transpired that the deceased had succumbed to his injuries. The CCTV footage outside the Company premises captured the present Applicant and deceased talking to each other and going inside the gate of the Company at the approximate relevant time. Hence, the police arrested the Applicant on 24th July, 2024, after registering the FIR.

3. The Applicant made an Application seeking bail before the Additional Sessions Judge, Belapur however, by order dated 21st January, 2025, the said Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

4. Mr. Jadhav, learned counsel for the Applicant, at the very outset, brings to my notice the order dated 10th September, 2025, wherein Mr. Kiran Shinde, learned APP, who was appearing in the present matter at that time, had sought time to take instructions from the Investigating Officer regarding the wooden stick, which is stated to be the alleged weapon of the crime and was recovered from the Applicant, as to whether the said stick was sent to the FSL for analysis. He submits that, till date, the report is not placed on record. He also submits that although the CCTV panchanama records that the Applicant and the deceased was seen arguing with each other, it could very well be that they were merely talking. Merely because the Applicant is seen coming out of the

Company premises alone, does not directly implicate him in the commission of the offence, and at this stage, there is no material on record apart from the CCTV footage to connect him with the said offence. He submits that the Applicant is in custody since 24th July, 2024, and till date, charges have not been framed. Even the CA report is not placed on record. In these circumstances, as the evidence in the present case is circumstantial in nature and nothing found to be against the Applicant, he prays that the Applicant be enlarged on bail.

5. Ms. Malhotra, learned APP representing the State, submits that till date CA report has not been received from the FSL. However, she submits that the weapon was recovered from the Applicant. She further submits that there were no blood stains on the wooden stick since the deceased did not suffer any external injuries but only suffered internal injuries. She points to the post-mortem report, which records the cause of death as hemorrhage and shock due to injury to vital organs caused by hard and blunt force over the neck and

chest. She says that the offence is serious thus, resists the bail application.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. Admittedly, apart from the CCTV footage, there is no material on record to indicate that the Applicant was involved in committing the said offence. Even the CCTV footage panchanama records the Applicant and the deceased talking to each other. While the prosecution interprets the recording as the two arguing, Mr. Jadhav submits that they could very well be only talking to each other.

8. Be that as it may, as on date, the CA report is not on record; the charges have not yet been framed; *prima facie* there is no material to implicate the Applicant; and he has already undergone more than one year of incarceration. The list of witnesses indicates that the prosecution intends to

examine more 20 witnesses, and it is unlikely that the trial will conclude in the foreseeable future. In these circumstances and for the aforesaid reasons, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)