

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

Bail Application No.1884 of 2025

Shivaji Nandu Mengal
Age- 36 yrs, Occ: Labour,
Resident of Borichiwadi,
Pimpalgaon Mor, Taluka
Igatpuri, District-Nashik
(Currently in Central Prison
Nashik)

... Applicant.

Versus

The State of Maharashtra
(at the instance of Ghoti Police
Station, Nashik.)

... Respondent.

Mr Akshay Bankapur, for the applicant.
Mr SS Pednekar, APP, for the respondent / State.
Mr SG Shelar, HC-878, Ghoti Police Station, Nashik.

Coram : R.N.Laddha, J.
Date : 26 November 2025.

P.C. :

By this application, the applicant seeks bail in connection with CR No.392 of 2024 registered at Ghoti Police Station, Nashik, for the offences punishable under Sections 103(1), 238, 61(2), 189(4), 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS).

2. It is the case of the prosecution that on 18 August 2024, the applicant along with the co-accused, in furtherance of their common intention, assaulted the deceased Zunkabai, the informant's sister, and committed her murder.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that out of the total seven accused persons, six have already been enlarged on bail. It is further submitted that the motive for the commission of the alleged offence is attributed to the co-accused persons and not to the present applicant. The recovery of alleged incriminating articles has been effected at the behest of the co-accused, and not from or at the instance of the applicant. The learned Counsel has further drawn the attention of this Court to the fact that, as per the prosecution's own case, it has emerged during the course of investigation that the deceased was last seen in the company of the applicant, but the alleged assault on the deceased was committed subsequent to the applicant parting ways with her, and said assault is attributed solely to the co-accused.

4. It is submitted that the applicant has been languishing in jail since 25 August 2024 and, despite the lapse of a considerable period, the charges have not yet been framed. The applicant has no prior criminal antecedents. Moreover, it is submitted that the clothes seized from the applicant do not bear any blood stains, thereby negating any direct physical involvement in the alleged assault.

5. It is further submitted that the applicant is willing to abide any condition that may be imposed by this Court and without prejudice, the applicant further undertakes not to enter the jurisdictional limits of Ghoti Police Station until the conclusion of the trial.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for bail. He submits that the applicant was involved in an illicit relationship with the deceased for a period of approximately five years preceding the incident. It is further contended that on the date of the alleged occurrence, the applicant had left the deceased at Borichi Wadi Road, following which, on 24 August 2024, the

deceased's decomposed body was discovered at a secluded location.

7. The learned APP further submits that said relationship was not approved by certain family members of the applicant, the co-accused, who include the applicant's wife, son and cousin sister. These persons, aggrieved by the applicant's association with the deceased, have physically assaulted the deceased. The learned APP further submits that the offence is of a grave and serious.

8. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record. It is not in dispute that the applicant is one of the seven accused persons arraigned in connection with the alleged offence. It is pertinent to note that six out of the seven accused have already been enlarged on bail. The prosecution case, as emerging from the charge-sheet, attributes the motive for the alleged offence to the co-accused, who are stated to be the applicant's family members and were allegedly aggrieved by his relationship with the deceased. The recovery of incriminating articles has also been effected at the instance of the co-accused and

not at the behest of the present applicant. It is further relevant to note that, as per the prosecution's own case, the deceased was last seen in the company of the applicant. However, the alleged assault is stated to have occurred after the applicant had parted ways with the deceased. There is no material on record to indicate that the applicant was present at the scene of the offence at the relevant time. Moreover, the clothes seized from the applicant do not bear any blood stains, thereby *prima facie* negating any direct physical involvement in the alleged assault.

9. Additionally, the applicant has no prior criminal antecedents. He has undertaken to abide by any condition that may be imposed by this Court and has further volunteered not to enter the jurisdictional limits of Ghoti Police Station until the conclusion of the trial. While the offence alleged is undoubtedly grave and serious, it is well-settled that the seriousness of the offence alone cannot be a ground to deny bail.

10. In view of the foregoing circumstances, and considering the principle of parity, this Court is of the opinion that the applicant has made out a case for the grant

of bail. Hence, the following order:

Order

(i) The applicant shall be released on bail in connection with CR No.392 of 2024 registered at Ghoti Police Station, Nashik, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall not enter the territorial jurisdiction of the Ghoti Police Station until the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned police station and shall notify the said

officer forthwith of any changes therein.

(v) The applicant shall regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

[R. N. Laddha, J.]