

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

Criminal Bail Application No.2048 of 2025

Shubham Sambhaji Panchal

Age- 19 years, Occ – Labourer,

R/at: Madhuban Society,

Colony No.6, Near Krushna Mandir,

Chakrapani Vasahat, Bhosari, Pune

(Presently lodged at Pune Jail)

... Applicant

Versus

The State of Maharashtra

(At the instance of The Sr.P.I.,

Bhosari Police Station, Pune)

... Respondent

Mr Kuldeep Nikam, for the applicant.

Mr PP Jadhav, APP, for the respondent/ State.

API Somnath B Tapose, Bhosari Police Station, Pune.

Coram: R.N. Laddha, J.

Date: 7 November 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.769 of 2024, registered at Bhosari Police Station, Pune, for offences punishable under Sections 103 and 109 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. It is the case of the prosecution that on the intervening night of 23 and 24 November 2024, at about 12:00 a.m., the

applicant is alleged to have called the deceased, one Ram, out of his residence. Upon confronting the deceased regarding his purported romantic involvement with the applicant's sister, the applicant is stated to have assaulted the deceased with the intention to cause his death. The said assault, allegedly carried out in the company of a co-accused, resulted in grievous injuries to the deceased. Subsequent to the incident, the applicant and his associate are stated to have absconded from the scene. The deceased was thereafter shifted to a nearby hospital in a severely injured condition, where he ultimately succumbed to the injuries sustained during the said assault.

3. Mr Kuldeep Nikam, the learned Counsel appearing on behalf of the applicant, draws the attention of this Court to a letter dated 24 November 2024, issued by the Assistant Police Inspector, Bhosari Police Station, and addressed to the Medical Officer, Medcover Hospital. It is submitted that, as per the contents of the said communication, the deceased was found at the scene of the incident in an inebriated condition, having consumed alcohol, and had collapsed at a location where cement window frames, tiles, and stones were present. Further, reliance is placed on the injury certificate dated 24 November 2024, issued by Dr Ninad Patil of Medcover Hospital, wherein the cause of injury is recorded as a "road traffic accident." This

medical documentation casts doubt on the prosecution's theory of homicidal assault and lends credence to the applicant's contention that the injuries sustained by the deceased were accidental in nature.

4. It is submitted that the prosecution's case rests entirely on circumstantial evidence. There are no direct eyewitnesses to the alleged incident. The statements of other witnesses appear to be hearsay in nature and lack probative value. The only purported direct evidence is the alleged extra-judicial confession made by the applicant to his mother and sister, which is inherently weak and requires corroboration from independent and credible sources, which is conspicuously absent in the present case.

5. Mr Nikam further contends that the prosecution alleges that a scuffle ensued between the applicant and the deceased, culminating in the commission of murder by the applicant. However, he highlights that no external injuries were found on the applicant's person, which undermines the prosecution's theory of a violent altercation and supports the applicant's defence that the deceased may have sustained injuries due to an accidental fall. The two stones and the clothes allegedly recovered at the instance of the applicant were found to be devoid of any blood stains. This further weakens the prosecution's case and fails to establish any nexus between the

applicant and the alleged offence.

6. Assuming *arguendo*, the prosecution's case to be true in its entirety, the learned Counsel submits that the essential ingredients constituting the offence under Section 103 of the BNS are not satisfied. The purported call recordings retrieved from the mobile devices of the applicant and one Gopal Panchal do not indicate any intention to kill but rather a sudden altercation possibly triggered by emotional provocation and alcoholic influence. As per the prosecution's own narrative, the applicant allegedly witnessed his sister in the company of the deceased, which purportedly triggered a sudden emotional outburst. It is further alleged that, under the influence of alcohol and in a state of impaired judgment, the applicant followed the deceased and committed the act in question. Such circumstances, even if accepted at face value, indicate a spontaneous reaction devoid of premeditation, thereby attracting a lesser degree of culpability.

7. Mr Nikam emphasises that the incident is alleged to have occurred on 23 November 2024, following which the deceased was admitted to the hospital. The deceased was discharged on 24 November 2024, contrary to medical advice, and was subsequently re-admitted on 26 November 2024. It is only on 30 November 2024, seven days after the alleged incident, that

the deceased succumbed to his injuries while undergoing treatment, making the causal nexus between the alleged assault and death debatable. The learned Counsel also submits that the present offence involves three accused persons, two of whom are juveniles and have already been released on bail. The applicant stands on a similar footing and deserves parity in consideration. Furthermore, the applicant is ready to abide by any conditions this Court may impose, including to reside outside the territorial jurisdiction of the Bhosari Police Station and undertakes not to seek relaxation of the said condition.

8. On the other hand, Mr Prashant Jadhav, the learned Additional Public Prosecutor representing the respondent/ State, opposing the present application for bail, has vehemently contended that the alleged offence is of a grave and serious nature, involving the commission of murder. It is submitted that at the relevant time, the applicant, upon witnessing his sister in the company of the deceased Ram, became enraged and, under the influence of alcohol, pursued the deceased and fatally assaulted him. The prosecution further relies upon incriminating call recordings retrieved from the mobile phones seized during the investigation, which establish the applicant's direct involvement in the assault and consequent murder of the deceased. Additionally, it is pointed out that certain stones,

used as weapons in the commission of the offence, were recovered pursuant to the disclosure made by the applicant during custodial interrogation. The learned APP also draws attention to the applicant's extra-judicial confession made to his mother and sister, wherein he admitted to having committed the said offence.

9. This Court has given anxious consideration to the rival contentions canvassed across the Bar. It appears from the record that the prosecution's case is entirely circumstantial. There are no eyewitnesses to the alleged assault. The only direct evidence relied upon is the extra-judicial confession, which, in law, is a weak piece of evidence and requires corroboration from independent sources, such corroboration is however lacking in this case. The injury certificate and the police letter both record circumstances inconsistent with a homicidal assault. The deceased was found in an inebriated state, and the injuries were initially described as arising from a road traffic accident. The absence of blood stains on the recovered stones and clothes further erodes the evidentiary value of those recoveries. Furthermore, two juvenile co-accused have already been granted bail and the applicant has no prior criminal antecedents. It appears that, at the relevant time, the applicant was 18 years and 3 months old and had only recently

attained the age of majority.

10. Even accepting the prosecution's case at face value, *prima facie*, the act appears to have occurred in the heat of passion, following a sudden provocation upon witnessing his sister with the deceased, and possibly under the influence of alcohol. Such circumstances negate premeditation and may reduce the offence to a lesser degree of culpability. Furthermore, the deceased was discharged against medical advice on 24 November 2024, re-admitted on 26 November 2024, and ultimately expired on 30 November 2024. The intervening medical events and the delay in death are relevant considerations at the stage of bail, as they bear upon the causation chain and degree of culpability.

11. Moreover, in the present case, the investigation has been duly completed, and nothing remains to be recovered or discovered from the applicant. A comprehensive charge sheet has already been filed before the competent Court. The applicant has been languishing in jail since 25 November 2024, and despite the lapse of considerable time, the charges have not yet been framed. The prosecution has cited as many as 24 witnesses, and therefore, the conclusion of the trial is likely to take a substantial period of time. The apprehension of tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions.

12. Considering the overall facts and circumstances, the absence of direct evidence, the contradictory medical documentation, the clean antecedents of the applicant, the undertaking of the applicant, and the principle of parity, this Court deems it fit to grant bail to the applicant. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.769 of 2024, registered at Bhosari Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

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

(iv) The applicant upon his release, shall furnish his residential address with proof and contact details to the Investigating Officer, and shall inform the concerned Officer of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid reason.

(vi) Any breach of the above conditions shall entail cancellation of bail.

13. The application stands disposed of accordingly.

[R.N. Laddha, J.]