

Nikita

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

BAIL APPLICATION NO.2330 OF 2025

Nitesh Harishchandra Patil ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ganesh Gupta a/w Mr. Sahil Ghorpade a/w Mr. Madan Khansole a/w Mr. Surya Gupta i/b G. G. Legal Associates for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. M. K. More, API, Khalapur Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17th JUNE, 2025

P.C.:

1. Heard Mr. Ganesh Gupta, learned Advocate for the Applicant and Mr. P. H. Gaikwad, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.232 of 2024 registered with Khalapur Police Station, for the offences punishable under Sections 302 read with 34 of the Indian Penal Code, 1860.
3. There are two accused persons in the crime. Applicant is Accused No.1, whereas Mr. Maruf Hasmat Ali is Accused No.2.
4. FIR is registered by the wife of the deceased. Case of the

prosecution is that Mr. Bhanudas Chaudhari (deceased) was had a business rivalry with the Applicant (Accused No.1). The deceased as well as the Applicant were carrying on business of refreshment from their respective shops. Deceased went missing on 10.05.2024, his body was found on the next day behind the shop. Applicant with the assistance of the Accused No.2 is alleged to have committed the murder of the deceased by strangulating him.

5. Applicant was arrested on 12.05.2024. Bail Application at Exhibit-5 filed by the Applicant in Sessions Case No.112 of 2024, was dismissed by the learned Additional Sessions Judge, Raigad by order dated 03.06.2025.

6. Mr. Ganesh Gupta, learned Advocate for the Applicant submits that the case of the prosecution is based on circumstantial evidence. He submits that the circumstances which are alleged against the Applicant do not form a complete chain and therefore there is a doubt created in the case of the prosecution. He submits that there are no allegations in the FIR in the context of the Applicant having committed the murder of the deceased. He submits that the Applicant does not have any criminal antecedents. He submits that investigation is complete and the charge-sheet is filed. He therefore, submits that the Applicant be released on bail.

7. Mr. P. H. Gaikwad, learned APP for the State submits that the case is based on circumstantial evidence. He submits that the circumstances which are brought on record clearly prove the involvement of the Applicant in the said crime. He submits that the Applicant had a dispute with the deceased in connection with the

shop. He submits that the CCTV footage has recorded the presence of the Applicant as well as the Accused No.2, during odd hours. He submits that there are injuries on the body of the Applicant. He submits that the wife as well as the son of the deceased have made reference to the dispute, the Applicant had with the deceased, in relation to the shop and therefore, according to him, the motive is established. He submits that one of the witnesses has referred to the injuries caused on the body of the Applicant and expressed suspicion on the cause of the said injuries. He therefore opposes the bail application.

8. I have perused the record placed before me with the able assistance of the learned Advocates for the parties.

9. Maruf Hasmat Ali (Accused No.2) is released on bail by this Court vide order dated 20.03.2025 passed in Bail Application No.781 of 2025.

10. Prosecution case is based on circumstantial evidence. Nature of the allegations in the crime as well as the statements of the witnesses, which are referred by the learned APP indicate existence of a dispute pertaining to the shop between the Applicant and the deceased. Though, presence of the Applicant and the Accused No.2 is seen in the CCTV footage, however the same is in the vicinity of the shop of the Applicant. Deceased is not seen in the CCTV footage. No recoveries have been made from the Applicant.

11. Though, there are injuries on the body of the Applicant as pointed out by the learned APP, however, the learned APP could

not point out from the records the cause of the injuries on the body of the Applicant. He fairly states that there is no material on record indicating investigation to find out the cause of the injuries on the body of the Applicant.

12. Allegations in the present crime against the Accused No.2, are similar to the allegations as made against the Applicant, except for the allegation of the dispute, the Applicant had with the deceased in connection with the shop.

13. Material placed on record is inferential in character, which at the most may raise an suspicion. Prosecution will have to prove the circumstances relied upon during trial. *Prima facie*, the material is not so compelling to deny bail to the Applicant. Applicant does not have any criminal antecedents.

14. Mr. Ganesh Gupta, learned Advocate for the Applicant submits that in the event, this Court shows indulgence to the Applicant, then the Applicant shall not enter into the limits of Khalapur Taluka till conclusion of trial.

15. In view of the above, the custody of the Applicant during the pendency of the trial is not warranted. Bail Application is allowed in the following terms:

- a) Applicant is directed to be released on bail in connection with C. R. No.232 of 2024 registered with Khalapur Police Station, for the offences punishable under Sections 302 read with 34 of the Indian Penal Code, 1860, on his furnishing PR bond in the sum of Rs.25,000/- or one or two sureties in the like amount, to the satisfaction of

learned Additional Sessions Judge, Panvel, Raigad.

b) Applicant shall appear and attend all the dates of hearing in Sessions Case No.112 of 2024 before the Court of the Additional Sessions Judge Panvel, Raigad, unless specifically exempted by the Court.

c) Applicant shall not interfere/ threaten any of the witnesses or tamper with evidence.

d) Applicant shall not enter the limits of the Khalapur Taluka till conclusion of trial except to attend the dates before the Trial Court.

16. The Bail Application is disposed off.

(ASHWIN D. BHOBE. J.)