

AGK

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

BAIL APPLICATION NO.2387 OF 2025

Shivaji Ramdas Agale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Abdul Raheem Bukhari for the applicant.

Mr. Prasanna P. Malshe, APP for the respondent-State.

Mr. Vinod Shinde, PSI, Kasara Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 9, 2025

P.C.:

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1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 4 of 2020, registered with Kasara Police Station. The offences alleged against the applicant are punishable under Sections 302 (murder), 201 (causing disappearance of evidence), and 34 (common intention) of the Indian Penal Code, 1860, and Sections 2 and 25 of the Indian Arms Act, 1959.

2. The brief facts of the prosecution case are as follows: On 9th January 2021, Accused No.2, who is the elder brother of the deceased Satish Ramdas Agale, approached the police and reported that Satish had left their house at around 11:00 p.m. on 7th January 2021, stating that he was going to Nashik to attend a

friend's sister's marriage. Thereafter, on 9th January 2021, the applicant and the deceased's mother received a call on Satish's mobile number from an unknown person. Following this call, both of them proceeded to Kasara Ghat, where they first located Satish's clothes. On further search, they found his dead body stuffed inside a sack near Topachi Bawdi, approximately 200 meters away from the highway.

3. After the recovery of the dead body near Topachi Bawdi on 9th January 2021, an FIR was registered at Kasara Police Station against unknown persons for offences punishable under Sections 302 and 201 of the Indian Penal Code.

4. Learned counsel for the applicant submits that the applicant was arrested on the next day, i.e., 10th January 2021. It is submitted that, till date, charges are yet to be framed, and the trial has not commenced. The prosecution has cited more than 20 witnesses in the charge sheet. It is contended that the case is based entirely on circumstantial evidence. Learned counsel further points out that Accused No.2 has already been released on bail by the Sessions Court. In these circumstances, it is submitted that on the ground of parity and considering the delay in trial, the applicant may also be released on bail.

5. On the other hand, learned APP appearing for the State has strongly opposed the application. It is submitted that the material collected during the course of investigation clearly points to the applicant's active involvement in the crime. According to the prosecution, CCTV footage indicates that the applicant was seen

transporting the body of the deceased in a car, and his conduct clearly establishes his complicity. The prosecution argues that the chain of circumstantial evidence is complete, and hence, the applicant is not entitled to bail at this stage.

6. I have considered the submissions made by the learned counsel for the applicant and the learned APP for the State. I have also perused the charge sheet and material placed on record.

7. The applicant has been in custody since 10th January 2021. It is an admitted position that the charges are yet to be framed and the trial has not commenced. The prosecution has cited more than 20 witnesses, and looking to the present stage of the proceedings, the trial is not likely to conclude in the near future.

8. The case of the prosecution is based on circumstantial evidence. It is settled law that in a case based on circumstantial evidence, the chain of circumstances must be so complete that it must lead to the only conclusion that the accused is guilty of the offence. Whether or not the circumstances form a complete chain sufficient to convict the accused is a matter that can be tested only during trial.

9. So far as the applicant is concerned, the prosecution primarily relies upon CCTV footage allegedly showing the applicant's presence in the vehicle used for disposal of the body. However, at this stage, there is no direct evidence connecting the applicant with the act of murder itself. His precise role, intent, and involvement in the actual commission of the crime are matters that require detailed appreciation of evidence during trial.

10. Further, it is not in dispute that co-accused No.2, who is the brother of the deceased and the original informant, has already been released on bail by the Sessions Court. Though the principle of parity is not absolute, in the absence of any distinguishing material showing that the role of the applicant is more serious than that of Accused No.2, the applicant is entitled to claim similar treatment.

11. There is no material placed on record to show that the applicant is likely to tamper with the evidence or influence the witnesses if released on bail. The possibility of his absconding can be safeguarded by imposing suitable conditions.

12. Considering the totality of facts and circumstances, including the long period of custody, the stage of the trial, the nature of evidence, and the principle of parity, I am of the opinion that this is a fit case to grant regular bail to the applicant.

13. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.4 of 2020 registered with Kasara Police Station for offences punishable under Sections 302, 201 & 34 of the Indian Penal Code, 1860 and Sections 2 and 25 of the Indian Arms Act, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Kasara Police Station on first Monday of every month between 11.00 a.m. to 1.00 p.m., until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)