

VRJ

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

BAIL APPLICATION NO.2465 OF 2025

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RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Vinodkumar Ramnivas Gaurav ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Kuldeep S. Patil with Rajan Gaikwad and Dhavalsihn Patil and Sampada S. Patil i/by Suhas Gaikwad for the applicant.

Mr. Sagar R. Agarkar, APP for the State.

Mr. Pravin M. Patil, PSI, Sakinaka Police Station, Mumbai is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 1, 2025

P.C.:

1. This is a bail application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release in connection with Crime No.1012 of 2023, registered with Sakinaka Police Station, Mumbai. The applicant is arrested for offence punishable under Section 302 of the Indian Penal Code, 1860, i.e., for the alleged commission of murder.

2. The prosecution case, in brief, is that the informant, who is the son of the deceased, has lodged a report against the present applicant. It is alleged that during the intervening night of 16th and 17th October 2023, the applicant, who was in a live-in

relationship with the informant's mother and residing at the same premises, under the influence of alcohol, picked up a quarrel over a trivial issue. In the course of the quarrel, it is alleged that the applicant assaulted the deceased by fists and kicks on her abdomen and further pushed her head against the wall, causing grievous injuries. Due to this assault, the deceased allegedly sustained serious internal injuries resulting in her death.

3. Learned advocate appearing for the applicant submitted that there was no premeditation or intention on the part of the applicant to cause the death of the deceased. It is urged that the incident appears to have occurred as a result of a sudden scuffle between the applicant and the deceased, both of whom were in a domestic relationship. It is further pointed out that as per the medical report, the cause of death is due to blunt trauma to the abdomen, resulting in massive internal bleeding and shock caused by the rupture of the spleen and the left kidney. The learned counsel submits that no weapon is shown to have been used in the alleged assault, and therefore, it is not a case of brutal or intentional killing but an unfortunate incident occurring in the heat of the moment.

4. It is also submitted that the applicant has no past criminal record or antecedents to his discredit. He has been in custody since 21st October 2023 and the trial is yet to commence. Considering the nature of the allegations, the period of incarceration undergone, and the fact that the trial is not likely to conclude in the near future, the learned advocate prayed that the applicant be enlarged on bail with appropriate conditions.

5. On the other hand, the learned APP appearing for the State strongly opposed the application. It is submitted that there is an eyewitness to the incident who has categorically narrated the manner in which the applicant assaulted the deceased. It is contended that the nature of assault as described indicates cruelty and intentional act, which ultimately resulted in the death of the woman. It is further submitted that releasing the applicant on bail at this stage may hamper the trial, and therefore, the application be rejected.

6. I have carefully considered the submissions advanced by the learned advocate for the applicant and the learned APP for the State. I have also perused the charge-sheet and the material placed on record.

7. The incident, as alleged, appears to have arisen out of a domestic quarrel between the applicant and the deceased, who were residing together in a live-in relationship. The allegations, though serious, do not indicate that any deadly weapon was used. The nature of injuries, as per the post-mortem report, shows that death was caused due to blunt trauma resulting in internal hemorrhage, particularly to the spleen and left kidney. The incident appears to be the result of a sudden altercation in an intoxicated state rather than a pre-planned or brutal attack.

8. The applicant is in custody since 21st October 2023. There is no material placed on record to show that the applicant has criminal antecedents. The trial is yet to commence, and considering the pendency of sessions trials, it is unlikely to

conclude in the immediate future. No specific apprehension has been expressed by the prosecution regarding the applicant tampering with the evidence or influencing the witnesses if released on bail. Further, the eyewitnesses are closely related to the deceased and are unlikely to be won over by the applicant.

9. In such circumstances, and particularly considering the principle that bail is the rule and jail is the exception, this Court is of the view that a case for grant of bail is made out.

10. Hence, the following order is passed.

11. The applicant Vinodkumar Ramnivas Gaurav is directed to be released on bail in connection with Crime No.1012 of 2023, registered with Sakinaka Police Station for offences punishable under Section 302 of the Indian Penal Code, 1860, 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 not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- c) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- d) The applicant shall not indulge in any criminal activity during the pendency of the trial.

12. The bail application stands disposed on in the aforesaid terms.

(AMIT BORKAR, J.)