

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2502 OF 2025**

Sunil Kisan Waghe
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Kunal Aher a/w Gaurish Satpute, *for the Applicant.*
Ms. Manisha R. Tidke, *APP for the Respondent - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 19TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.463 of 2022 dated 15th June, 2022 registered with the Manpada Police Station, District: Thane, for the offences punishable under Sections 302, 460, 411 r/w Section 34 of the Indian Penal Code, 1860.

2. The facts of the case, in brief, are that on the intervening night of 14th and 15th June, 2022, the accused including the Applicant herein in furtherance of their common

intention committed house breaking and entered into the premises of Vijay Paper Product, Plot No.13A/17B, MIDC, Khambalpada Road, Dombivali (E). It is alleged that on 15th June 2022, when the first informant went to the company premises, the gate of the company was locked from inside. He called out loudly for the watchman, namely Gyanbahadur. However, nobody came to open the door. He, therefore, climbed on the wall near the footpath and peeped inside. He saw Gyanbahadur sleeping inside a mosquito net and bleeding from his head. Once again, he called out to him but received no response. Being concerned for Gyanbahadur, the first informant called company's owner Shri Rajkumar on his mobile phone and informed him regarding what he saw. He also expressed his apprehension that some unknown persons must have entered the premises and injured the said watchman and taken away the scrap and old machinery items lying in the company premises. The police came, jumped across the wall and opened the gate of the company premises from inside. When they entered the premises, they suspected

a robbery having been committed inside the company premises as many machinery parts, mobile phones and other articles were missing from the company premises. Hence, the FIR was registered, and the accused were arrested.

3. There are in all four accused persons involved in the present case. Accused Nos. 2 and 3 are enlarged on bail. Accused No.1 and the present Applicant namely Accused No.4 is still in custody.

4. Mr. Kunal Aher, learned counsel for the Applicant, submits that there is no material on record to point towards the guilt of the present Applicant. He submits that the CCTV footage of the company premises only shows three persons entering the company premises. He submits that none of the three persons are identified. He further submits that apart from CCTV footage there is nothing on record to indicate complicity of the present Applicant. He further submits that the Applicant is in custody since 24th August 2024 and the

trial is not likely to conclude soon. In these circumstances, he prays that the Applicant be enlarged on bail.

5. Ms. Manisha Tidke, learned APP, representing the State, has drawn my attention to the CCTV footage. According to her the CCTV footage clearly shows three persons including the Applicant, entering the company premises. She further points to the Nivedan Panchanama recording, recovery of the keys to the company gates, at the behest of the present Applicant. She submits that the offence is serious and the CCTV footage as well as the nivedan panchanama clearly bring home guilt to the Applicant.

6. I have heard learned counsels for the respective parties and perused the record with their assistance.

7. A plain reading of the FIR indicates that the watchman was lying inside the factory premises and did not open the door when the first informant and others called out to him. On investigation, CCTV footage shows three persons

entering the company premises. This followed by the nivedan panchanama which records the recovery of keys to said company premises from the present Applicant, is indicative of the presence of the Applicant on the spot of the incident. The act of hitting the watchman on his head with an iron rod and wooden stick is attributed to the Accused No.1 and the present Applicant respectively. The offence is serious and is prescribes a maximum sentence of life imprisonment. The Applicant is in custody for one year, which cannot be termed as long incarceration, especially since he is accused of causing death of the watchman by hitting his head with a wooden stick.

8. In these circumstances, I am not inclined to enlarge the Applicant on bail. Accordingly, Bail Application is rejected.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the

learned Trial Judge to decide the case on its own merits,
uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)