

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

BAIL APPLICATION NO.2594 OF 2025

Shiva @ Dolu Manoj Kevat

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Tapan Thatte a/w Mr. M. S. Mulla a/w Mr. Rajdeep Sitapure, Advocate for Applicants.
- Mr. Yogesh Y. Dabake, APP for the State/Respondent.
- PSI – Linkan Hasure, attached to Nerul Police Station, is present.

CORAM : DR. NEELA GOKHALE, J.

DATE : 09th DECEMBER, 2025

P.C. :

1. The Applicant seeks his release on bail in connection with FIR No.580/2023 dated 20/12/2023 registered with Nerul Police Station, Navi Mumbai, for the offences punishable under sections 302, 201, 120-B r/w 34 of the Indian Penal Code as well as under sections 37(1)(135) of the Maharashtra Police Act.

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2. The case of the prosecution is based on the statement of one Suresh Pangeli, one of the partner in the partnership firm owning the hotel namely 'Bharti Bar', who is the First Informant. As per his statement, in the morning of 20/12/2023, the DJ working in the said bar was found dead on the first floor in the ladies service bar. The First informant informed the police regarding discovery of the body, pursuant to which the FIR was registered.
3. The Applicant made an application for bail before the Additional Sessions Judge, Belapur. However, by the order dated 28/08/2024, his Bail Application was rejected. Hence, he is before this Court for his release on bail.
4. Learned counsel Mr. Tapan Thatte, appearing for the Applicant submitted that firstly the evidence in the present case is circumstantial in nature. It is based only on the last seen theory. There is no connection of the present Applicant with the

present offence as alleged. He further submits that the Applicant is arrested on 20/12/2023 and till date, the trial has not concluded. He submitted that in fact, even the charge is not framed till date. Mr. Thatte also submits that the prosecution has only relied upon the recovery of a stump from the possession of the Applicant. However, the said stump is not sent to FSL and there is no report in that regard. He also submits that the case of the prosecution is based on recovery of the ATM card which is incorrect. He thus prays that the Applicant be enlarged on bail.

5. Per contra, Mr. Yogesh Y. Dabake, learned APP has brought to my attention the Nivedan Panchanama dated 22/12/2023. He also pointed to the CCTV footage Panchanama, in which two people are seen at the gate of the pub/bar carrying two stumps in white polythene bag. Mr. Dabake thus, submits that the said stump was recovered from the possession of the present Applicant, which directly connects him with the offence. Mr. Dabake also submits that the ATM card of the deceased was

recovered from the present Applicant. He relies upon the CCTV footage, the statements recorded under section 164 of Cr.P.C. of Suresh Pangeli, the Manager of the hotel as well as one Shashidhara Gauda @ Navale, the employee of the Mahila Service bar. Mr. Dabake submits that the Applicant is directly connected and complicit in this case. Thus, he prays that the application be rejected.

6. I have heard the counsel for the parties and perused record with their assistance.
7. There are three accused in all. The present Applicant is accused No.3. I have gone through the statements of the two witnesses i.e. the manager of the bar and the person in charge of the Mahila Service Bar, recorded under section 164 of Cr.P.C. I have also gone through the Nivedan Panchanama, which contains the disclosure statement of the Applicant on the basis of which the stumps were recovered. Although, the FSL report is

awaited, Mr. Dabake submits that it is already sent to the lab and the results are awaited.

8. The CCTV footage Panchanama records two persons leaving the gate of the bar carrying the wooden stumps in a white bag. Considering the CCTV footage panchnama, the statements of witnesses identifying the Applicant, at this stage, it cannot be said that the Applicant is not connected at all with the same offence.

9. It is trite to say that the Court granting bail has to exercise discretion in a judicious manner with care and caution and not as a matter of course. Though at the stage of bail, an elaborate examination of evidence and detailed reasons touching upon the merits of the case, which may prejudice the accused must be avoided, it is necessary for the courts to consider certain factors before granting bail to the accused namely, the nature of accusation and the severity of the punishment in case

of conviction; reasonable apprehension of tampering with the witness or threat to the complainant; *prima facie* satisfaction of the court in support of the charge.

10. There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the Courts. Nonetheless, such a protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in general and the relative or loved one of the deceased has to be balanced. It depends on the exigency of the case. In the present case, when there is *prima facie* material to indicate the complicity of the Applicant in the present offence, the right of personal liberty of the Applicant must yield to the collective interests of society.

11. The Applicant is arrested in December 2023. Considering that the maximum punishment described for the offence is life imprisonment, this is not a case for grant of bail

on the ground of long incarceration. In these circumstances, I am not inclined to grant bail to the Applicant.

12. The application is rejected.

13. Needless to state that the observations in the present order are limited to the determination of the bail application and the trial court to proceed with the trial without being influenced by the observation made herein.

(DR. NEELA GOKHALE, J.)