

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

BAIL APPLICATION NO.2630 OF 2025

Ramesh Barku Pawar

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Sana Shaikh a/w Nisha Lakaniya, Maya Updeshe, Vipul Ghate, Sunanda Shinde, Ruha Shaikh and Pratik Thadani, *for the Applicant.*

Ms. Anuja S. Gotad, *APP for the Respondent - State.*

PSI – Suryawanshi, Manpada Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 04TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.157 of 2020 dated 20th March, 2020, registered with the Manpada Police Station, for the offences punishable under Sections 302 of the Indian Penal Code, 1860 ('IPC').

2. The facts of the case, in brief, are that on 18th March, 2020 at around 08:00 a.m., while the first informant one Mayur Baburao Sonawane was taking a morning walk, his

brother telephoned him and told him that one of their relatives namely Balaram Bachhu Jadhav was lying in supine position on a bench outside the village crematorium. When he reached the site, it was seen that said deceased person had some injury on his head and there was blood lying on the ground. It is stated that said deceased was also addicted to drinking and under influence of alcohol he had a habit of not coming home for two-three days at a stretch. The police were called, and the FIR came to be registered. On the statement of two witnesses who alleged to have seen the Applicant and another person along with the deceased at the spot near the cemetery, the Applicant was arrested.

3. The Applicant made a bail application before the trial Court, but by order dated 9th July, 2021 his application was rejected by the Additional Sessions Judge – 2, Kalyan. Hence, the Applicant has filed an application seeking bail before this Court. Vide order dated 7th August 2024, this Court was inclined to dismiss the Application and hence the learned counsel for the Applicant sought permission to withdraw the

same. The Application was dismissed as withdrawn. However, this Court had directed trial to be expedited. Liberty was also granted to the Applicant to renew the prayer for bail after nine months.

4. Today, Ms. Shaikh, learned counsel for the Applicant submits that even after a period of nine months there is no progress in the trial and the trial has not yet commenced. Hence, the Applicant has filed present Application seeking relief as prayed.

5. Ms. Shaikh submits that the nature of evidence is purely circumstantial. She submits that save and except the statement of the witnesses placing the Applicant and another in the vicinity with the deceased, there is no other material to indicate his complicity in the said offence. She submits that in any case the Applicant has suffered incarceration from 26th April 2020, and till date the trial has not commenced. In these circumstances, she prays that the Applicant be released on bail.

6. Per contra, Ms. Gotad, learned APP, representing the State, submits that there were four other persons with the deceased and the Applicant, having drinks together. These witnesses left for home after finishing their alcohol party. Since one of them forgot their wallet on the bench, two of them returned to collect the same. When they reached the bench, they saw the Applicant and the deceased quarreling. Hence, she submits that applying the last seen theory, it is quite probable that the Applicant has committed the said offence. She submits that the offence is serious and hence resists the Application.

7. I have heard learned counsels for the parties and perused the record of the case with their assistance.

8. A plain reading of the statement of the first informant clearly indicates that the deceased was in the habit of drinking alcohol. In his drunken stupor, on many occasions, he had a habit for remaining away from home. On the day following the alleged crime, he was found on the bench near

the crematory in the supine position. The Medical Authorities of Bai Rukhminibai Rugnalay, Kalyan recorded the cause of death of the deceased to be possible by hit by blunt & hard object; accidental fall; or Road traffic accident. Hence, even the cause of death is not conclusive at this stage.

9. Considering that the Applicant is incarcerated since 26th April 2020 and till date, the trial has not commenced and also in view of the fact that this Court by its order dated 7th August, 2024, had granted liberty to the Applicant, to renew his prayer for bail, after a period of nine months from the date of the order, I am inclined to enlarge the Applicant on bail. Hence, the following order is passed:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. 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)