

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

BAIL APPLICATION NO.2789 OF 2025

Shivram Bhiva Ran

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kunal Aher a/w Gaurish Satpute, for the Applicant.

Mr. Yogesh Y. Dabke, APP for the Respondent-State.

PSI – F. R. Tadavi, Kasara Police Station, is present.

CORAM DR. NEELA GOKHALE, J.

DATED: 13TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 49 of 2016 dated 19th November 2016 registered with the Kasara Police Station, for the offences punishable under Sections 302, 201, 404 and 34 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The facts of the case, in brief, are that the First Informant made a complaint to the concerned police station that his brother was missing. A wide search was initiated for the said brother namely the victim/deceased in the present

matter. However, he was not found. Ultimately, on a statement made by one of the relatives of the deceased, the real brother of the deceased, Bharat, was arrested. However, thereafter it transpired by statements of the other witnesses that they had seen the deceased/victim with one man and one woman at a restaurant. Thus, the present Applicant and two others were arrested. The two co-accused were enlarged on bail by the Trial Court, subsequent to which, the woman accused died during the pendency of the trial. The Applicant made an application seeking bail before the Trial Court. However, by order dated 14th July 2022, the Additional Sessions Judge, Kalyan rejected the said application. Hence, the Applicant is before this Court for the relief as prayed.

3. Mr. Kunal Aher, learned Counsel for the Applicant, submits that the nature of the evidence against the Applicant is purely circumstantial. There is no material on record to indicate the complicity of the present Applicant in the said crime. He further submits that the Applicant is in custody

since 2016 and and has suffered incarceration for as many as 9 years. Even on this ground, the Applicant deserves to be released on bail.

4. Mr. Yogesh Dabke, learned APP, on the other hand, submits that three witnesses are already examined by the Trial Court and the prosecution intends to examine only 5 to 6 witnesses. He therefore submits that the trial is likely to conclude in a short time and thus resists the Bail Application.

5. Ordinarily, this Court would not intervene when the trial is midway. However, in the peculiar facts and circumstances of the present case, it *prima facie* appears that there is no material on record to directly implicate the present Applicant in the said offence. Mr. Aher has also submitted that there is no incriminating material against the present Applicant even in the depositions of the witnesses before the Trial Court.

6. Having regard to the long incarceration of the Applicant to the extent of more than 9 years; the fact that the trial is yet

not concluded and *prima facie* there is no material on record directly connecting the Applicant with the said offence, I am inclined to enlarge the Applicant on bail and it is ordered as under:

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 and every date unless exempted by the orders of the Trial Court concerned;
- iii) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- iv) The Applicant shall not leave India, without the permission of the Trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) 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;

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

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

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

8. 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)