

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

Bail Application No.3002 of 2025

Bholanath Rajaram Arya
Age-26 years, Occu. - Labour,
Permanently R/at – Pateda,
Post-Majhoba Sumal, Dist-
Shravasti, Uttar Pradesh,
(At present languishing in the custody
of Yerwada Central Prison, Pune)

... Applicant

Versus

The State of Maharashtra
(P.I. Kondhwa Police Station)
Dist. - Pune

... Respondent

Ms Pooja Agarwal, a/w Mr Prakash Chavan, for the applicant.
Mr MG Patil, APP, for the respondent/ State.
PSI Shivraj Shamrao Kharade, Kondhava Police Station, is
present.

**Coram: R.N. Laddha, J.
Date: 3 November 2025.**

P.C.:

By this application, the applicant seeks bail in connection
with CR No.423 of 2024, registered at Kondhwa Police
Station, Pune, for offences punishable under Sections 302 and
120B read with 34 of the Indian Penal Code.

2. According to the prosecution, the informant is the wife of

the deceased Pankajkumar Motilal Kashyap, who worked as a supervisor at the Raheja Sterling construction site in Mohammadwadi, Pune. It is alleged that on 16 April 2024, the deceased left for work as usual at 8:00 a.m. Around 1:00 p.m., he came home for lunch, handed the informant Rs.18,000/-, with instructions to pay Rs.3,000/- towards rent, and left for work again. The informant, concerned about his drinking habits, video-called him between 8:00 and 8:30 p.m. During the call, she overheard someone telling him to drink quickly. After the call was disconnected, she waited for the deceased to return for dinner, but he did not come home. His phone was switched off, and despite attempts to reach him, he remained unreachable. The following day, on 17 April 2024, at approximately 11:00 a.m., the informant visited the construction site to search for him. She later received a call from a worker named Guddu, informing her that her husband had been found dead in the building's duct on the third floor. It was later revealed that the deceased had been murdered, with a sharp weapon, likely a stabbing to the stomach, and his death was intentional. Accordingly, the present crime was registered against unknown individuals.

3. During the investigation, it was revealed that the deceased was consuming alcohol with the applicant and the co-accused

when the co-accused verbally abused the deceased, leading to a physical altercation. In the course of the scuffle, the applicant is accused of restraining the deceased by holding his legs and subsequently inflicting stab wounds using a knife, leading to fatal injuries.

4. Ms Pooja Agarwal, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that the applicant is neither named in the FIR nor in any supplementary statements of the witnesses. The statement of witness Rahul Yadav suggests that the applicant was last seen in the company of the co-accused, and not with the deceased, thereby contradicting the last seen theory. Additionally, it is argued that no recovery has been made from the applicant. The allegations against the applicant are vague and bereft of details, with the prosecution's case being based solely on mere suspicion and conjecture. The learned Counsel further submits that the applicant has no criminal antecedents, has roots in society, and there is no likelihood that he would abscond. The applicant is willing to comply with any conditions imposed by this Court.

5. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, strongly opposes the

applicant's request for bail. He submits that the clothes of the accused had mud and blood stains. The CCTV footage and the cell tower locate the accused with the deceased at the relevant time. The learned APP further submits that the offence is of a serious nature and granting bail to the applicant may lead to tampering with evidence or influencing witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

7. A bare reading of the recovery panchanama suggests that the alleged blood-stained garments were found stored in a bag at the scene of occurrence. However, witnesses Rahul Yadav, Sandip Arya, Anil Yadav, Pradeep Kashyap, Lalu Kashyap, and Nanke Mishra, in their statements, stated that they saw the applicant and the co-accused walking outside their room, with their clothing appearing soiled and muddied. They further stated that the accused proceeded to bathe near a tank in proximity to their room. These accounts cast a shadow of doubt over the prosecution's claim that the bloodstained garments were recovered at the scene. Additionally, the alleged blood-stained clothes and the weapon allegedly used in the crime were recovered at the instance of the co-accused, not the applicant. Significantly, the recovery panchanama reveals that the weapon did not bear any trace of blood, casting further

doubt on the allegations levelled against the applicant. Furthermore, the CCTV panchanama and the Call Detail Records (CDRs), when considered in their entirety, do not provide irrefutable evidence demonstrating the applicant's direct involvement in the commission of the crime. Notably, the witness statements do not indicate that the applicant was seen with the deceased at any point. Moreover, the prosecution has failed to furnish any forensic science laboratory report, which would have been vital in corroborating the claims made, and record the statements of material witnesses who were among the first to discover the deceased's body.

8. The applicant has no criminal antecedents and has been in custody since 19 April 2024. It further appears that charges have not yet been framed to date. The prosecution has cited forty-six witnesses, and the trial is likely to take its own time. The apprehensions expressed by the learned APP can be addressed by imposing suitable conditions.

9. Considering the totality of the circumstances, including the absence of direct evidence linking the applicant to the commission of the crime, the contradictions within the prosecution's case, and the applicant's continued incarceration without framing of charge, this Court is of the view that the applicant is entitled to be released on bail. Hence, the following

order:

ORDER

- (i) The applicant shall be released on bail in CR No.423 of 2024, registered at Kondhwa Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

11. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits and in accordance with the law, uninfluenced by the observations made in this order.

[R.N. Laddha, J.]