

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

BAIL APPLICATION NO.3085 OF 2025

Rajesh @ Chindra Bhailal Jaiswar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Farheen Chaudhary, *for the Applicant.*

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

PSI – Nitin Palande, Trombay Police Station, present.

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.413 of 2024 dated 23rd August, 2024, registered with the Trombay Police Station, for the offences punishable under Sections 103(1), 238 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 23rd August, 2024, an information was received by the police from a local vendor regarding extreme bad smell near the place where metro work is going on in Maharashtra Nagar, Mankhurd,

Mumbai. Upon reaching the spot, police found that a bag containing a dead body. During the investigation it was revealed that the deceased was murdered by her husband namely accused Kanhaiyya, with whom she had a strained relationship. It is alleged that Kanhaiyya murdered his wife, with the help of the co-accused, including the present Applicant. Based on the said complaint the FIR was registered.

3. There are in all five accused. Accused Nos.4 and 5 are enlarged on bail. The present Applicant is Accused No.3.

4. Admittedly, there is no material available on record to demonstrate involvement of the present Applicant in the offence. There is no statement of any witness to place the present Applicant in the dock.

5. Ms. Gotad, learned APP, representing the State, fairly concedes that, save and except the presence of the present Applicant along with other co-accused, there is

nothing on record to indicate Applicant's complicity in the crime.

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

7. In the entire proceeding, there is nothing to indicate the involvement of the present Applicant in commission of the said offence. The Applicant was arrested on 25th August 2024, and till date even the charges are not framed. *Prima facie* at this stage, there does not seem to be any involvement of the Applicant in commission of the crime. He is in jail from 25th August, 2024.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly 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) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- 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.

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

10. 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)