

Ashish

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

BAIL APPLICATION NO. 3222 OF 2025

Santosh Dattatray Nandgavkar ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Tanveer Patel, a/w Mr. Janmesh Suravkar for the applicant.

Mr. Tanveer G Khan, APP for respondent – State.

Mr. V. V. Shinde, Khalapur Police Station.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. This is a bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant seeks regular bail in connection with Crime Register No. 379 of 2024 registered with Khalapur Police Station for offences punishable under Sections 103(1), 238, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The prosecution case in brief is that the complainant resides in Vavoshi village with her father, her deceased mother, four daughters including accused no.1, and her brother.
3. On 9 September 2024, at about 2.00 pm, accused no.1 could not find the gold ornaments of her deceased mother. On enquiry, she was informed that the ornaments had been mortgaged. This

led to a quarrel between them.

4. The complainant then went with her father to Kharsund, while her mother, sisters, and grandmother remained at home. On 10 September 2024, at about 5.30 am, the complainant called accused no.1, but the call was not answered. On their return home, the grandmother, brother, and sisters informed her that the complainant's mother had committed suicide in the kitchen. The police were informed and, after postmortem, the body was handed over for last rites. A complaint of suicidal death was lodged by the accused.

5. Learned counsel for the applicant submitted that the prosecution case rests entirely on circumstantial evidence. The two circumstances relied upon are motive and an alleged extra-judicial confession. According to the prosecution, the motive arises from an alleged incident of sexual intercourse between the applicant and the daughter of the deceased, which the deceased witnessed and raised alarm, leading to the murder. The alleged extra-judicial confession is said to have been made before family members on the night of 13 September 2024. The complaint was, however, lodged the next day at 14:20 hours. By referring to the call detail records forming part of the charge-sheet, it is submitted that there was no contact between the applicant and the daughter. It is, therefore, argued that the chain of circumstances is incomplete and the applicant deserves to be released on bail.

6. On the other hand, learned APP submitted that the motive and the extra-judicial confession brought on record by the

prosecution are credible. The confession before family members is natural and inspires confidence. The motive is also a fact within the exclusive knowledge of the accused. At this stage, these circumstances are sufficient to justify the continued pre-trial detention of the applicant. He, therefore, prayed that the bail application be rejected.

7. I have considered the submissions of both sides and gone through the material on record. The case of the prosecution is based on circumstantial evidence. The two circumstances relied upon are motive and an alleged extra-judicial confession.

8. As regards motive, the allegation is that the deceased had seen the applicant and her daughter in a compromising situation, which led to the incident. However, the call detail records produced along with the charge-sheet do not show any communication between the applicant and the daughter. This weakens the prosecution case on motive at this stage.

9. As regards extra-judicial confession, it is alleged that the same was made before family members on 13 September 2024. The complaint was lodged the next day at 14:20 hours. The delay in lodging the report raises doubt about the reliability of this piece of evidence. It is settled law that extra-judicial confession, though admissible, is a weak type of evidence and needs strong corroboration, which is absent in the present case.

10. The material placed before the Court does not disclose a complete chain of circumstances leading to the guilt of the applicant. The trial will take considerable time. Continued pre-trial

detention of the applicant is not necessary.

11. In the circumstances, I am of the opinion that the applicant has made out a case for grant of bail.

12. Hence, following order is passed:

i) The applicant Santosh Dattatray Nandgavkar is directed to be released on regular bail in connection with C.R. No. 379 of 2024, registered with Khalapur Police Station for offences punishable under sections 103(1), 238, 3(5) of the B.N.S., upon furnishing a cash surety of Rs.25000/- (Rupees Twenty Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicant shall report to the concerned Police Station, once in a month, specifically on the 1st day of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall appear before the Trial Court on every date of hearing unless exempted.

(d) The applicant shall not leave the State of Maharashtra without prior written permission of the Trial Court.

(e) The applicant shall not commit any offence or engage

in any criminal activity during the pendency of the trial.

(f) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(g) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

13. The bail application is disposed of.

(AMIT BORKAR, J.)