

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 3647 of 2025**

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|----------------------|---------------|
| Lahu Kalu Khane      | ...Applicant  |
| Versus               |               |
| State of Maharashtra | ...Respondent |

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**Mr. Siddhesh Samel**, *for the Applicant.*  
**Ms. Anuja S. Gotad**, *APP for the Respondent - State.*  
API – B.L. Chaudhari, Wada Police Station, present.

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**CORAM    DR. NEELA GOKHALE, J.**  
**DATED:    18<sup>th</sup> November 2025**

**PC:-**

**1.** By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.195 of 2025 dated 9<sup>th</sup> September, 2020, registered with the Wada Police Station, District: Palghar, for the offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860.

**2.** The facts of the present case, in brief are that on 8<sup>th</sup> September, 2022, at about 10:30 a.m., the granddaughter of the 65 year old deceased returned home after her work at

the bank. She did not find her grandmother at home and therefore waited for some time. Till 04:00 p.m., when her grandmother had still not returned from the farm, she, alongwith her cousin went out to look for her. On the way, she met the Applicant and his son, who informed them that an old lady was lying unconscious near the forest plot. The first informant – granddaughter, alongwith her cousin, rushed to the said spot and found the deceased lying there. On realizing that her grandmother had passed away, the granddaughter lodged the complaint, pursuant to which the FIR was registered.

**3.** The Applicant had filed an Application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by an order dated 3<sup>rd</sup> May, 2025, the said bail application was rejected. Hence, the Applicant has approached this Court for the relief as prayed.

**4.** Mr. Samel, learned counsel for the Applicant, states that the entire evidence in the present case is

circumstantial in nature. There is no eye-witness whose statement indicates that it was the Applicant who caused the death of the deceased. He has also taken me through the post-mortem report, which records the cause of death as cardio-respiratory arrest due to intracranial haemorrhage due to head injury. The statements of various witnesses recorded by the police indicate that there was a quarrel between the Applicant and the deceased over some cows crossing into the farm of the deceased to graze and the deceased abusing the Applicant in that regard. Thereafter, both the Applicant and deceased were stated to have had alcohol together and thereafter they parted ways. Thereafter, the deceased was found dead in the forest plot. He also submits that the clothes of the Applicant sent for FSL, were clearly without blood stains. However, the queries put to the FSL calls for a response as to whether the blood stains found on the shirt were human blood. He submits that the Applicant is in custody since 9<sup>th</sup> September, 2020, and till date, only the charges have been framed; the recording of evidence has not yet commenced. In

fact, the first informant had remained absent before the Court on the last two occasions. In these circumstances, he submits that there is no material on record to connect the present Applicant with the offence. Hence, he prays that the Applicant be released on bail.

**5.** Ms. Gotad, learned APP, representing the State, on instructions, submits that the statement of the witnesses clearly indicate that he was the last person to see deceased alive and there was a quarrel between them over the cows grazing into land of the deceased and deceased abusing the Applicant. She submits that it was because of the grudge that he had on account of deceased abusing him that he proceeded to murder the deceased by hitting her with stone. She submits that the offence is serious and hence prays that the Application be rejected.

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

**7.** I have gone through the statements of witnesses. There is no statement connecting the present Applicant directly with the commission of the offence. In fact, the statements of the witnesses indicate that the deceased and the Applicant were enjoying alcohol with each other in an attempt to resolve their quarrel. *Prima facie* there is no material at this stage to connect the present Applicant with the offence.

**8.** Most importantly, the clothes of the Applicant, which were sent to the FSL, were without any blood stains and it is very difficult to understand as to why a query was raised by the prosecution as to whether the blood found on shirt of the Applicant was human blood. The Applicant is in custody for the last five years. The first informant has also remained absent before the Trial Court on the last two dates, and her deposition has commenced. Admittedly, the Applicant does not have antecedents.

**9.** 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.30,000/ 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 not enter the jurisdiction of Wada Police Station until the completion of trial;
- iv) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

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

viii) 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;

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

x) 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)