# IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CRIMINAL APPELLATE JURISDICTION

## CRIMINAL BAIL APPLICATION NO. 3691 OF 2025

Chotu@lalukumar Shribindeshwar Mandal ...Applicant
Versus
State Of Maharashtra ...Respondent

**Mr. Vipul Dushing** *a/w Krishma Joshi, Sangram Jadhav for the Applicant.*
**Ms. Manisha R. Tidke**, *APP for the State-Respondent.*

**CORAM Dr. Neela Gokhale, J.**
**DATED: 24th September 2025**

PC:-

**1.** The Applicant seeks his release on bail in connection with FIR No. 1210 of 2022 dated 7th December 2022 registered with Juhu Police Station for offences punishable under Section 302, 201 read with 34 of the Indian Penal Code, 1860 ('IPC').

**2.** The prosecution's case in brief is as under:

The present Applicant was working as a domestic help in the house of the deceased and co-accused Sachin

Kapur. The deceased is the mother of the said co-accused Sachin Kapur. On 6th December 2022, the co-accused Sachin Kapur, is stated to have killed his mother. It is alleged that the present Applicant has helped and assisted the co-accused in committing the said offence. It is also alleged that the present Applicant further assisted said Sachin Kapur in making the mother sit on a wheelchair and wheeling the said chair outside the lift of the society and taking her away. This is the offence for which the Applicant and the co-accused are facing prosecution. Accordingly, the FIR was registered. The Applicant made a bail application before the Trial Court and by order dated 1st August 2025, the said bail application was rejected. Hence, the Applicant has filed the present bail application for the relief as prayed.

**3.** Mr. Vipul Dushing, learned Counsel for the Applicant, points to the CCTV footage panchanama. According to him, from 5.51 a.m. to 9.00 a.m., the CCTV does not capture the present Applicant at all. The entire footage indicates that it was Sachin Kapur and his mother i.e. the deceased having an

argument, leading to a scuffle between them. Mr. Dushing submits that the Applicant is not seen at the place of incident. Mr. Dushing further submits that the Applicant was arrested on 7th December 2022 and incarcerated for the past 2 and half years. The charges have been framed however, the evidence has not yet commenced. Mr. Dushing thus, prays that even on the ground of long incarceration, the Applicant be released on bail.

**4.** Ms. Manisha Tidke, learned APP, brings to my attention the statement of the security guard of the society. The said security guard has specifically taken the name of the present Applicant as the person who was wheeling away the deceased on wheelchair. She thus, submits that the Applicant assisted the co-accused and also played an active role in the said offence. She also states that the Applicant was very much present at the time of the incident. She also points to the CCTV footage of 5.53 a.m., wherein the present Applicant is seen hovering behind Sachin Kapur in the house. She thus,

submits that the present Applicant is very much complicit in the commission of the offence. She further submits that the Applicant is not an ordinarily resident of Maharashtra and in case, the Court is inclined to grant bail to the Applicant, appropriate conditions be imposed.

**5.** I have heard both the Counsel and perused the record with their assistance.

**6.** The CCTV footage panchanama clearly shows the co-accused having an animated quarrel with his mother from 5.00 a.m. to till 5.54 a.m. He is also seen giving a push to his mother who fell on the sofa. Thereafter, Sachin Kapur sat on her body. In the scuffle, between Sachin and his mother, she succumbed to her injuries. It is quite possible that the Applicant being a domestic help, was also present in the said house. The mere fact that he is seen at 5.53 a.m. in the CCTV hovering behind Sachin Kapur, does not indicate that he helped Sachin Kapur in killing his mother. His mere presence in the house as a domestic help is not sufficient to establish

his complicity. In any case, all these aspects will be considered by the Trial Court during the conduct of the trial.

**7.** Admittedly, the Applicant is in custody from December 2022 and has suffered incarceration for a period of 2 and half years. He has no other antecedents. The charges are framed but the evidence has not commenced. In these circumstances, no purpose will be served by the continued incarceration of the Applicant in the custody.

**8.** In view of the aforesaid discussion, I am of the view that this is a fit case for grant of bail and it is ordered as under:

## ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;

ii) The Applicant shall attend the Juhu Police Station, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charge is framed by the Trial Court;

iii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iv) The Applicant shall not leave the jurisdiction of the State of Maharashtra without permission of the Trial Court;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

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 mobile 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 concerned Police Station;

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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)