

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4553 OF 2025**

Baiju Mahadev Mukhiya	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Navkar Jain, *with Harshal Savla, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent-State.*
Mr. Mahendra Ghag, *PI attached to Malad Police Station,*
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 434 of 2024 dated 17th May 2024 registered with the Malad Police Station, Brihanmumbai City for the offences punishable under Sections 460, 380 and 302 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of the prosecution, as discerned from the FIR, is that:-

2.1 The First Informant is the grand-son of the deceased. According to him, his grand-mother was residing alone only from past 15 days in hut no.8 of Subhash De Chawl, Chincholi Vitthal Pada, Saxeria Compound, Malad (West). It is further alleged that on 17th May 2024 at 7.00 a.m. when the First Informant went to meet his grand-mother, he knocked on the door of the hut but there was no response. Neighbours also came out and when they saw from the bottom of the door of the hut, they saw the deceased was lying in an unnatural condition on the floor. Thus, they broke the lock and went into the hut and the First Informant saw that his grand-mother was lying in an unconscious condition. Ultimately, it was revealed that she was dead. The Applicant, being the previous tenant of the said hut, was arrested on 17th May 2024 on the ground that he had deposited Rs.20,000/- in his wife's bank account and it was the allegation of the First

Informant that an amount of Rs.15,000/- was missing from his grand-mother's hut, pursuant to the FIR being registered.

3. The Applicant made an application seeking bail before the Sessions Court at Dindoshi (Borivali Division), Goregaon, Mumbai however, by order dated 16th July 2025, the same came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Navkar Jain, learned counsel appearing for the Applicant, submits that nature of evidence in the present case is purely circumstantial. There is no premise to believe that the amount of Rs.15,000/- missing from the deceased's hut, was the amount, which the Applicant deposited in his wife's bank account. In fact, the missing amount was Rs.15,000, whereas the Applicant had deposited Rs.20,000/- in his wife's bank account. He further submits that previous bank statement of the Applicant also shows that he had been depositing Rs.20,000/- frequently in his wife's bank account. Mr. Jain further submits that there is no eye witness, who saw

the Applicant either entering or coming out of the said hut. The Applicant was also not found on the crime scene. He further submits that the Applicant is in custody since 24th May 2024 and there is no progress in the trial. Considering that there is nothing to connect the Applicant with the offence, Mr. Jain, prays that the Applicant be released on bail.

5. On the other hand, Ms. Poonam Bhosale, learned APP representing the State in the matter, draws my attention to CCTV footage panchanama, which records that the Applicant was depositing Rs.20,000/- in his wife's bank account. The CCTV footage is that of an ATM centre. She further draws my attention to *nivedan* panchanama, wherein the Applicant revealed that he threw the 'potli' in which the deceased had kept Rs.15,000/-. Pursuant to the said disclosure statement, the 'potli' was recovered from a roadside. She thus, submits that the offence is serious; the deceased was 89 years old frail woman and hence, the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. The CCTV footage panchanama showing the Applicant depositing some amount in his wife's bank account, does not *prima facie* connect him with loss of Rs.15,000/- from the deceased's hut. The disclosure panchanama indicates recovery of the bag in which the said Rs.15,000/- was allegedly kept by the deceased, however, there is nothing on record to demonstrate that the bag was identified by deceased's relatives. It is also seen from the bank statement that the Applicant was in the habit of depositing Rs.20,000/- in his wife's bank account from time to time. The post-mortem report of the deceased records that the cause of death was head injury with multiple blunt trauma. However, there is nothing to suggest that head injury was caused by the Applicant. In fact, there is nothing to demonstrate that the Applicant either entered or came out of the said hut at the relevant time. The Applicant is in custody for a period of more than one and half year and the charges are also not framed till

date. Considering that there is no material on record to connect the Applicant with the offence at this stage, I am inclined to grant bail to the Applicant. 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 is permitted to furnish provisional cash bail of Rs.50,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

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.

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

9. 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)

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