

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4631 OF 2025**

Babloo @ Chotu @ Ram Avadh Suraj-Din **...Applicant**
Varma

Versus

State of Maharashtra **...Respondent**

Mr. A R Bukhari, *for the Applicant.*

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

API – Amit B. Gote, Nizampura Police Station, Bhiwandi Police
Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 12TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.23 of 2018 dated 29th January, 2018, registered with the Nizampura Police Station, for the offences punishable under Sections 457, 380, 460, 302, 201 and Section 34 of the Indian Penal Code, 1860 ('IPC').

2. The facts of the case, in brief, as discerned from the statement of the First informant are that on 29th January, 2018, at around 09:30, the First informant, the Manager of Oshaka Textiles, Kamba Road, Bhiwandi was informed on the phone by one of the workmen, that the night duty guard namely one Gurudev Pandey has been murdered and his body was found in the factory premises. The first informant rushed to the factory and saw the night duty guard lying in a pool of blood and in an injured condition. His pants were pulled down till his knees and his skull showed injuries of being hit by iron rod. The cabin door was found open, the lock being forcibly broken. There were many items missing from the factory premises. Thereafter, FIR was registered.

3. The Applicant made an Application before this Court seeking bail, however, by order dated 25th August, 2025, this Court dismissed the said Application with a liberty to the Applicant to move the Sessions Court by filing an appropriate bail application. The said application was dismissed as the

Applicant has filed the same directly in this Court without first approaching the Trial Court. Thereafter, the Applicant has made an Application before the Additional Sessions Judge, Bhiwandi, however, by order dated 8th October, 2025, the said bail application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

4. Mr. Bukhari, learned counsel for the Applicant, submits that the Applicant is languishing in jail since February, 2018 and till date only the charges have been framed and that too only in February, 2024. He submits that till date no witness is examined; neither compliance of Section 294 of the Cr.PC is made by the prosecution. He submits that the case of the prosecution is based purely on circumstantial evidence. The victim was found in a pool of blood. The Applicant's clothes were discovered at his behest however, the CA report is inconclusive. He submits that the only material against the Applicant is his disclosure statement leading the police to recover his clothes and some material stolen from the factory.

He submits that only on the ground of recovery, the Applicant is being made to suffer prolonged incarceration spanning past seven years, without affording him an expeditious trial. He thus, prays that the Applicant be enlarged on bail.

5. Ms. Gotad, learned APP representing the State, on instructions, submits that there are statements of the friends of the co-accused i.e. Accused No.1 stating that the Accused No.1 made extra-judicial confession to them and admitted that both of the accused entered the factory premises with an object to commit robbery. However, since the guard saw them, they were compelled to kill him. She also submits that in pursuance of the disclosure statement made by the present Applicant, his clothes and some of the stolen items were recovered. She submits that the Applicant is not a resident of the State of Maharashtra, and if he is enlarged on bail it would be difficult to secure his attendance to face the Trial. She thus, prays that the bail application be rejected.

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

7. Admittedly, the Applicant is languishing in jail for more than seven years. The trial has not commenced. Even the compliance under Section 294 is yet not made. The only evidence against the Applicant seems to be the extra-judicial confession made by the main accused to his own friends taking the name of the present Applicant. It appears that it was the Accused No.1 who hit the deceased. Another statement of a rickshaw driver, who claimed to have dropped the Applicant and the co-accused at the factory premises at the relevant time is also recorded. However, it appears from the document and material on record that the blow to the head of the deceased was given by the co-accused namely Rahul. Moreover, the blood stained clothes were sent to the FSL, and the report is returned as inconclusive.

8. Considering that the Applicant is languishing in jail for more than seven years without there being any possibility of conclusion of the trial in the near foreseeable future, I am inclined to enlarge the Applicant on bail and 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 the State of Maharashtra, without the permission of the Trial Court;

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.

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)