

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4673 OF 2025

Baburao Namdev More ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Harshad Sathe, for the Applicant.

Ms. Anamika Malhotra, APP for the State-Respondent.

PSI – Bhagwan Pawar, Kurar Police Station, is present.

CORAM DR. NEELA GOKHALE, J.
DATED: 16th DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 56 of the 2024 dated 19th January 2024 registered at Kurar Village Police Station for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The Applicant is the sole accused. The First Informant is the sister of the deceased.

3. The facts of the case, as discerned from the FIR, are that the deceased was acquainted with the Applicant. The

deceased was married to one Kashinath Giri and she has two children from her husband, with whom she was residing. There was some matrimonial discord between the deceased and her husband due to which, she was living separately in a chawl near the First Informant's house. There were quarrels between the deceased and her husband on account of her close relationship with the Applicant. It is also stated by the First Informant that on many occasions, the Applicant had beaten up the deceased and there was discord between them as well. On 18th January 2024 at around 5:20 pm., the elder daughter of the deceased informed the First Informant that her mother was stabbed by the Applicant and was lying on the road. The First Informant went to the said place and saw the Applicant and her sister, lying in a pool of blood in an injured condition. They were taken to the hospital, where her sister was declared dead. It later transpired that, the Applicant and the deceased had quarreled and the Applicant attacked the deceased with a knife over her body including her neck and thereafter, injured himself as well. The police were informed,

the FIR was registered and the Applicant was arrested on 3rd February 2024.

4. The Applicant made an application seeking bail before the Sessions Court at Dindoshi (Borivali Division), Goregaon, Mumbai. However, by order dated 22nd April 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Harshad Sathe, learned Counsel appointed to represent the Applicant through the Legal Aid Services, submits that, there is no eyewitness pertaining to the said incident. He has drawn to my attention the statement of the elder daughter of the deceased, recorded by the police on 18th January 2024. He submits that, in answer to Question No. 11, the elder daughter of the deceased stated that she was informed by one aunt that her mother was stabbed by the Applicant. He submits that there is no other material on record to indicate that the Applicant committed the said offence. He also has a grievance that right from the time the

Applicant was arrested, he was produced before the Court only on three occasions. In these circumstances, he prays that the Applicant be enlarged on bail.

6. Ms. Anamika Malhotra, learned APP, has pointed to a number of statements of eyewitnesses, who have seen or have been informed regarding the incident that took place, whereby the Applicant stabbed the deceased with a knife and later stabbed himself. She has also pointed out to the post-mortem report pertaining to the deceased which records that the injuries are caused by a sharp edged weapon. She further submits that there is sufficient material on record to indicate that it is the Applicant who has committed the said offence and hence, the Application be rejected.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. A plain reading of the FIR itself narrates in detail as to how the Applicant was abusing the deceased during the entire

relationship. It may be that the deceased herself had refused to end the relationship despite the abuse. However, that does ratify the abuse. Furthermore, the statement of the elder daughter, in response to Question No. 11, records that she herself, upon hearing that her mother was stabbed by the Applicant, ran to the spot along with her father and saw her mother lying on the road with stab injuries. Even the Applicant himself, was lying on the road with her, also with knife injuries. The statements of other eyewitnesses are consistent with the statement of the elder daughter. The post-mortem report also indicates that the deceased died on account of stab injuries on her body. The Applicant is arrested on 3rd February 2024 and has suffered incarceration for about one and half year. The maximum sentence for the offence of Section 302 of IPC is life imprisonment or death. Thus, this is not a case that there is long incarceration of the Applicant. In these circumstances, I am of the view that there is *prima facie* material on record to indicate that the Applicant has committed the said offence. The offence is serious.

Considering the relations between the parties, the possibility of the Applicant intimidating the witnesses cannot be ruled out.

9. In view of the aforesaid, this is not a fit case to enlarge the Applicant on bail.

10. The Bail Application is accordingly rejected.

11. However, considering the grievance of the Applicant that he has been produced before the learned Trial Court only on three occasions and that too after the date was given, the Trial Court is requested to look into this grievance and pass appropriate orders.

12. 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)