



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1214 OF 2025**

Hitesh Gunwant Mahale,
Age 22 Years, Occu. Student,
R/o: Adgaon, Tq. Erandol Dist. Jalgaon
Maharashtra
(Presently at District Jail Dhule)

..Applicant

Versus

The State of Maharashtra,
Through Police Inspector
Dhule Taluka Police Station, Dhule
Tq. and District Jalgaon, FIR No.309 of 2022 ..Respondent

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Mr. M. A. Manav h/f Mr. S. H. Jadhav, Advocate for Applicant.
Ms. R. R. Tandale, APP for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th MARCH, 2026

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.309/2022 registered with Dhule Taluka Police Station, Dist. Dhule for offences punishable under Section 302 of Indian Penal Code.
2. This is successive bail application. Previously, Bail Application No.611/2024 filed by applicant was dismissed as withdrawn vide order dated 16.07.2024 passed by this Court.
3. The learned Advocate appearing for applicant submits that applicant was student aged about 19 years. He had no criminal antecedents. He is languishing in jail since 25.05.2022. The trial is pending for receipt of Muddemal. Till this date, there are no

chances of commencement of trial. He would submit that case is based on circumstantial evidence. The chain of circumstances is incomplete and bereft of material to make out offence against applicant. Previous Bail Application was withdrawn in year 2024. However, there is no progress in trial.

4. Per contra, Ms. Tandale, learned APP strongly opposes application. She would submit that this is a case of dual murder. The circumstantial evidence on record pin points that applicant is culprit of offence. Previous Bail Application has been dismissed as withdrawn. There is no change in circumstances warranting consideration of successive Bail Application.

5. This Court had called upon report from Trial Court regarding progress in Sessions Case No.189/2022. The learned Principal District and Sessions Judge, Dhule vide his communication dated 16.02.2026 informs that Police Station concerned has given letter dated 16.02.2026 informing that seized Muddemal has been sent to Deputy Director, Forensic Laboratory, Dhule for examination, but said Muddemal has not been examined yet. This case is pending for receipt of Muddemal. The aforesaid report depicts that trial would take its own course. The applicant is languishing in jail for almost 3 years 10 months. The applicant was aged about 19 years on the date of offence.

6. In nutshell allegation in FIR is that deceased Vandana had married to accused Gunwant Mahale. Vandana had two sons and two daughters. Since March 2022, Vandana is residing with her mother as her husband and sons were doubting her character and raising quarrel towards her. She was helping her mother in hotel business. On 23.05.2022, when son of informant went to hotel of his mother, he found that his mother Chandrabhagabai and sister Vandana were laying in pool of blood. They had suffered injuries on their head. Accordingly, offence was registered against unknown person. During course of investigation, applicant is apprehended. On completion of investigation, charge-sheet is filed. The case is based on circumstantial evidence. The motive is suspicion on character of Vandanabai. Perusal of charge-sheet depicts following circumstances against applicant:-

- i. He was seen on petrol pump in night of 23.05.2022 and thereafter he moved towards Bhadgaon. The statement of witness Sagar is relied.
- ii. Thereafter he was seen at Hotel Anand Garden. He paid his bill through Phone Pay Application at about 12.36 am.
- iii. There is recovery of iron rod and blood stained clothes from him.

7. The scrutiny of aforesaid evidence depicts that applicant filled petrol in his motorcycle and had dinner at Hotel Anand Garden in night of 22.05.2022. The transaction details regarding bill paid shows name of person as 'Hitesh Mahajan' and not 'Hitesh Mahale'. There is recovery of iron pipe under Muddemal (panchanama under Section 27 of Indian Evidence Act). The Forensic report depicts blood stains on metallic pipe. Although clothes are recovered, blood stains could not be found on same. The blood group detected on iron rod is inconclusive. *Prima facie*, aforesaid evidence is not sufficient to complete chain of circumstances to reach to definite conclusion that applicant is culprit. Although applicant is seen on motorcycle at petrol pump and hotel, said petrol pump and hotel are not located near spot of incident, but are situated at distance of about 12 to 15 kilometers."

8. In light of aforesaid evidence and fact that applicant has been in jail for more than 3 years and 10 months, and further that there are no criminal antecedents to discredit applicant and trial is at a nascent stage, this Court finds that applicant deserves to be enlarged on bail, subject to stringent conditions. Hence, following order:

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Hitesh Gunwant Mahale be released on bail in Crime No. 309/2022 registered with Dhule Taluka Police Station, Dist. Dhule for offences punishable under Section 302 of Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) on following condition:

- a. The applicant shall not tamper with prosecution evidence in any manner.
- b. The applicant shall attend each and every effective date before the Trial Court.
- c. The applicant shall not indulge in criminal activity.
- d. The applicant shall furnish mobile details and identity cards to concerned police station.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE