



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1977 OF 2025

SAGAR RAMESH MULEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Joydeep Chatterji
APP for Respondent : Mr. D. B. Bhange
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-02-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.0267 of 2024 dated 23.03.2024 registered with Sangamner City Police Station, Taluka District Ahmednagar, for the offences punishable under Sections 302, 201 and 120B read with Section 34 of the Indian Penal Code. In the said crime, the applicant is arrested on 23.03.2024. After completion of the investigation, the chargesheet is filed.

2. It is case of the prosecution that the applicant in collusion with two co-accused had murdered the brother of the informant. On the date of the incident, the applicant, with other co-accused and the deceased, were captured in the CCTV footage together in one Dhaba and the Bar. The CCTV footage indicates that the deceased and the applicant had purchased beer and those bottles were found near the dead body. In short, the prosecution case

against the applicant is that he was last seen in the company of the deceased. Hence, the report.

3. Learned counsel for the applicant submits that the evidence is circumstantial in nature and the circumstances are weak. Similarly situated co-accused Kisan granted bail by order of this Court in B.A.No.1433 of 2024. Further, Co-accused Rajesh, who has been last seen with the deceased, granted bail by the Hon'ble Supreme Court vide order in Special Leave to Appeal (Criminal) No.1068 of 2025. As such, the applicant entitles bail on the ground of parity. The applicant prays to be released on bail on the ground of parity. So-called recovery of the weapons may not be considered as incriminating evidence because the applicant and his brother are in the business of fabrication. The applicant has no criminal antecedents. Hence, the applicant deserves bail.

4. The learned A.P.P. has strongly opposed the application and submitted that the circumstantial evidence is against the applicant. The postmortem report indicates the injuries on the person of deceased. The offence is serious in nature. Hence, the applicant does not deserve bail.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet, indicates that the entire case rests on circumstantial evidence, specifically the "last seen" theory involving the CCTV footage at the Dhaba and the purchase of beer. It is a settled principle of

criminal jurisprudence that the "last seen" circumstance is not a definitive proof of guilt but is a matter of inference to be tested during the trial. There is no direct witness to the assault, and the mere presence of the applicant with the deceased in a public place prior to the incident does not, *prima facie*, establish an unbreakable chain of guilt sufficient to justify continued pre-trial detention.

6. The record indicates that co-accused Kisan has already been granted bail by this Court (B.A. No. 1433 of 2024), and significantly, co-accused Rajesh, who stood on an identical footing regarding the "last seen" theory, has been admitted to bail by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 1068 of 2025. Since the role attributed to the present applicant is not more egregious than those already released, denying bail would result into making dispute with the principle of parity.

7. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Sagar Rameh Mulekar, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.0267 of 2024 dated 23.03.2024 registered with Sangamner City Police Station, Taluka District Ahmednagar, for the offences punishable under Sections 302, 201 and 120B read with Section 34 of the Indian Penal Code, on the following conditions :-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]