



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**925 CRIMINAL APPLICATION NO. 916 OF 2026
IN APEAL/164/2026**

ROHIT RAJAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. N.S Ghanekar
APP for Respondent/State : Mrs.R.P. Gaur

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATED : 30th APRIL, 2026.

ORDER :

The applicant is convicted by the learned Additional Sessions Judge, Aurangabad under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life, vide judgment and order dated 10.12.2025, in Sessions Case No.11/2022. By this application, the applicant seeks bail during pendency of the appeal.

2. The applicant, child in conflict with law, was charged for commission of offence punishable under Section 302 of the IPC on the allegation of having committed murder of his father by assaulting him with dumbbell and slitting his neck and nerves of both wrists by knife.

3. Learned Advocate for the applicant assails the conviction on the ground that the trial Court has wrongly appreciated the evidence. The disclosure memorandum and recovery evidence is not proved. According to him, the spot panchanama and the evidence of CCTV footage etc., does not corroborate with the prosecution evidence. The prosecution has failed to prove motive. Extra-judicial confession is wrongly relied upon by the trial Court, though all the witnesses to

whom the alleged extra judicial confession is given have not supported the prosecution case. Applicant has completed 21 years of age and he is pursuing law course. He submitted that since 18.10.2021, the applicant is in custody, and, taking into consideration the period of long incarceration, he may be released on bail.

4. Per-contra, learned A.P.P. strenuously supported the judgment and order of conviction. By relying on the judgment of the Apex Court in the case of ***Bhagwan Dass Vs. State (NCT of Delhi)***, she submitted that even the statement given under Section 162(1) of Criminal Procedure Code to the Investigating Officer can be used to contradict the testimony of witness and part of proved contradiction can be relied upon, either by the accused or prosecution. She submitted that chain of circumstances established by prosecution proves the guilt of the applicant, and therefore, no case is made out by the applicant to grant bail.

5. We have heard learned Advocate for the applicant and learned A.P.P. With their able assistance, we have perused the record.

6. The trial Court has relied upon the following circumstances while convicting the applicant :-

- (a) Extra Judicial Confession of the CCL.
- (b) Disclosure Statement of CCL and seizure of weapon of offence, blood stained clothes of CCL, preparation of its panchanamas.
- (c) Spot panchanama and seizure of articles from Spot, clothes of deceased and his family members and their

C.A. report.

- (d) Corroborative Evidence in the form of witnesses, CCTV footage, FSL and chemical Analysis Report, Digital Evidence
- (e) Motive.
- (f) Due Investigation.

7. On perusal of the evidence on record and the impugned judgment of conviction, we are of the prima facie view that the prosecution has proved the complete chain of circumstances which points to the guilt of the applicant. Though the prosecution witnesses i.e. mother, sister and grand-father of the applicant have not supported the prosecution case, on the point of extra-judicial confession, the relevant part of the extra-judicial confession was proved through Investigating Officer.

Learned Advocate for the applicant is justified in arguing that the extra-judicial confession is a weak piece of evidence and it cannot be relied upon as a substantive piece of evidence, it is a settled legal position that the same can be treated as a corroborative piece of evidence and since it supports the prosecution case, the same can be taken into consideration while appreciating the evidence. At the instance of the applicant, the weapon used in the offence i.e. dumbbell and knife are seized. Human blood was found on the weapons used in the crime. Human blood was also found on the clothes of the applicant. The motive alleged by the prosecution is that the applicant was disturbed due to insistence on the part of his father that he should study. Relationship between the applicant and his father was strained. Prosecution has examined witnesses PW-7, PW-13 and Police witnesses

PW-21, PW-30, PW-31 and examiner of documents PW-32 to prove the motive.

8. On careful appreciation of the prosecution evidence and after perusing the reasons assigned by the trial Court in the impugned judgment, we are of the prima facie view that there is sufficient material on record to sustain the conviction of the applicant. The applicant is, therefore, not entitled for bail.

9. Since the applicant is convicted for life, in our opinion, incarceration of approximately five years, cannot be termed as long incarceration. The application is, therefore, rejected.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)