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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC.APPLICATION (BAIL) NO.64 OF 2026

RAHUL MAHESHWARI THR
HIS NEXT FRIEND (PRESENTLY
LODGED IN JUDICIAL CUSTODY) ... APPLICANT

Versus.

STATE OF GOA THR. THE
POLICE INSPECTOR ... RESPONDENT

Mr. Kautuk Raikar with Mr. Digaj Bene, Advocates for the Applicant.
Mr. Nikhil Vaze, Additional Public Prosecutor for the Respondent.

CORAM:- ASHWIN D. BHOBE, J.

DATED :- 27th October, 2026

Order:-

1. Heard, Mr. Kautuk Raikar, learned Advocate for the Applicant and Mr. Nikhil Vaze, learned Additional Public Prosecutor for the State.

2. By this Application, filed under Section 483 of the BNSS, the Applicant seeks regular bail in Crime No. 54/2025 registered at Calangute Police Station for offences punishable under

Sections 103, 303(2) and 329(3) read with Section 3(5) of the BNS, 2023.

3. Mr. K. Raikar, learned Advocate for the Applicant, states that there are two (2) accused in Crime No. 54/2025, with the Applicant as Accused No. 1 and Rashmi Solanki as Accused No. 2. He further states that Crime No. 54/2025 is registered as Sessions Case (302) No. 10/2025 and is pending before the Additional Sessions Judge, FTC-II, Merces ('Trial Court').

4. In brief, the prosecution's case is that the body of Bhavana Tomar (deceased) was found at the Hotel "Raj Inn". CCTV footage from the hotel premises shows that on 15.03.2025, the Applicant and Accused No. 2 were seen entering and exiting the hotel. A white-coloured handbag, said to belong to the deceased, was seen in the hand of Accused No. 2 while exiting the hotel premises along with the Applicant on 15.03.2025.

5. The Applicant was arrested on 19.03.2025. The Applicant filed bail application at Exhibit 19 in Sessions Case (302) No. 10/2025, which the Trial Court rejected on 19.08.2026.

6. Mr. K. Raikar, learned Advocate for the Applicant, submits that the only material against the Applicant is that the Applicant and Accused No. 2 were seen entering and exiting the hotel premises on 15.03.2025, where the body of the deceased was found. He submits that there is no material on record indicating the date of death of the deceased or how the death occurred. He submits that Accused No. 2, who is similarly placed to the Applicant in this crime, has been granted regular bail by this Court on 11.09.2026. He tenders a photostat copy of the order dated 11.09.2026 passed by this Court (coram S. Chapalgaonkar J.) in Criminal Application (Bail) No. 36 of 2026, same is taken on record and marked with **'X'** for identification. Mr. Raikar relies on paragraph No. 13, which reads thus:

> *13. Apart from the illegal arrest, in contravention of mandate of Section 43(5) of BNSS, this Court finds that evidence attributed as against the Applicant is only in form of CCTV footage and recovery of the handbag. PW1/Mr. Abdul Jahir Sarkar, informant, in his deposition before Court stated that the identification of Accused person is not possible from the images in CCTV footage as the faces of Accused persons are covered and one cannot recognise whether any lady was accompanied with Accused*

No.1. So far as the handbag is concerned, only white colour of the handbag can be identified without further particulars thereof.

7. Mr. Nikhil Vaze, learned Additional Public Prosecutor for the State, submits that the material on record indicates that, at the Applicant's instance, the Applicant's relative was found distributing material against the deceased, thereby showing that the Applicant had the motive to eliminate the deceased. He further submits that, in addition to the Applicant being seen in the CCTV footage entering and exiting the hotel premises on 15.03.2025, there is sufficient material to indicate the Applicant's complicity in the crime.

8. Perused the records with the assistance of the learned Advocates.

9. The prosecution case is based on circumstantial evidence.

10. The material on file in this Application indicates that the material against the Applicant relates to his entry and exit from the hotel premises on 15.03.2025. There is no material in the record to indicate that the Applicant, who is said to have

entered the hotel premises on 15.03.2025, had entered the room in which the body of the deceased was found.

11. The prosecution does not claim any disclosure or recovery at the Applicant's instance.

12. The allegations against the Applicant in Crime No. 54/2025 are almost similar to those against Accused No. 2. Accused No. 2 was also seen entering and exiting the hotel premises with the Applicant on 15.03.2025.

13. Mr K. Raiker, learned Advocate for the Applicant, submits that the recoveries, including a handbag, ATM cards, two mobiles, and some cash, were made at the instance of Accused No. 2.

14. The Applicant has been in jail since 19.03.2025. The prosecution has cited 69 witnesses. The trial may therefore take substantial time to conclude. Mr K. Raikar states that the Applicant has no criminal antecedents.

15. Considering the aforesaid circumstances and more so, the Accused No. 2 in Crime No. 54/2025 being released on bail by this Court, the continuation of the Applicant in jail pending the trial in Sessions Case (302) No.10/2025 is not warranted.

16. In view of the above, the application is allowed.

(i) Applicant be enlarged on bail in Sessions Case (302) No.10/2025, pending before the Trial Court, on execution of PR Bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one or two sureties in the like amount top the satisfaction of the Trial Court;

(ii) Applicant shall attend the Trial Court on each and every date fixed in Sessions Case (302) No.10/2025 unless exempted by the orders of the Trial Court. If the Applicant fails to appear before the Trial Court on the fixed date, it will be considered a breach of condition, and the Trial Court, may pass appropriate orders.

(iii) If Applicant is a holder of a passport, he shall deposit the same, if not already deposited, with the concerned Police Station within three days of his relaese;

(iv) Applicant shall not leave India without the permission of the Trial Court;

(v) Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) Applicant shall inform his place of residence and contact number, whatapp number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Trial Court and to the Investigating Officer;

(vii) Applicant to co-operate with the conduct of the trial;

(viii) The Applicant shall report to the Investigation Officer, Calangute Police Station, on the second Monday of each month, commencing on 09.11.2026, until the conclusion of the trial in the Sessions Case (302) No. 10/2025 in this Court;

(ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

17. The observations made in the present order are meant for the purpose of deciding the Bail Application and would not have any impact on the trial.

18. Criminal Miscellaneous Application (Bail) No. 64 of 2026 is disposed of.

ASHWIN D. BHOBE, J.

Signed by: SHAKUNTALA ZALMI
Designation: Personal Assistant
Date: 27/10/2026 18:12:54