

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.15 OF 2026**

Arun Bajirao KapaseApplicant
Vs.
The State Of MaharashtraRespondent

**WITH
INTERIM APPLICATION (ST) NO.474 OF 2026**

Rasika Sanjay ShelarApplicant
Vs.
The State Of MaharashtraRespondent

Mr. Amol Anant Chikane i/b Mr. Amit Sale, Mr. S. A. Patil, and Mr. Shreyas, Mr. Karajgar, and Ms. Anjali Karape, for for the Applicant.
Mr. Pankaj P. Deokar, APP, for the Respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 24th FEBRUARY 2026

PC.:-

1. The Applicant was arrested in C.R. No.4 of 2025 registered with Medha Police Station on 15th January 2025 for the offences punishable under Sections 103(1), 61(2), 238, and 249(c) of Bharatiya Nayaya Sanhita, 2023.

2. It is the case of the prosecution that, on the FIR lodged by the lady who was employed at the construction site along with her husband, it is stated that her husband died an unnatural death. She

has expressed suspicion against the present Applicant, as he is the owner of the said hotel construction work. The first informant and her husband were residing in a shed at the said construction site.

3. It is alleged that the Applicant used to help the first informant financially and also supported her whenever her husband used to beat her under the influence of liquor. Consequently, the deceased suspected an extra-marital affair between the Applicant and the first informant, and quarrels used to take place between them. As per the FIR, the first informant has stated that, on one occasion, the Applicant disclosed that he would eliminate the deceased as he used to harass her. Further, on the date of the incident, the Applicant allegedly informed her over the telephone that he had “done his work.” At that time, the deceased was missing. The incident took place on 1st January 2025, and the dead body was found on 2nd January 2025. An A.D. was registered thereafter.

4. The learned counsel appearing for the Applicant submitted that, in the accidental death the first informant had not mentioned anything against the present Applicant, nor had she raised any suspicion about him. It was further submitted that, after a period of

15 days, she gave a statement, pursuant to which the Applicant came to be arrested.

5. This is the second bail application filed by the Applicant, as the earlier bail application was withdrawn with liberty to file afresh after a period of four months. At the time of hearing of the earlier application, the papers of the accidental death were not produced on record. There are five accused in the present crime. The main allegations are against Accused No.2. The allegations of conspiracy are made against the present Applicant and Accused No.3. The allegations against Accused Nos.4 and 5 are that they provided shelter to the Applicant after the incident. It is submitted that no overt role is attributed to the present Applicant and, therefore, prayer is made to release the Applicant on bail.

6. The learned APP opposed the application, contending that the Applicant was in contact with Accused No.2, against whom allegations are made of having assaulted the deceased. It was submitted that the C.C.T.V. footage reveals the role of Accused No.2, and that the deceased was last seen in his company. Thus, the “last seen” theory is attracted against Accused No.2. It was further

submitted that the present case is one of contract killing and that the Applicant had given a contract to Accused No.2. It was contended that Accused No.2 is the main culprit in the crime and, therefore, prayer was made to reject the application.

7. Heard learned counsel for the Applicant and the learned APP for the State.

8. The papers of the accidental death report along with the investigation papers are placed on record. On perusal of the A.D. report, it appears that the statement made by the first informant therein is totally different from what has been stated by her in the FIR lodged after a delay of 15 days. In the A.D. report, she has not made any allegation against the present Applicant. She has stated that the Applicant used to support her whenever her husband used to beat her and also used to help her financially, as her husband was addicted to liquor and did not provide money for household expenses. Though she has stated that the Applicant used to attempt to develop an intimate relationship with her, she has not specifically stated that she was having any relationship with him, but has stated that her husband was merely suspecting the same.

9. There is a delay of 15 days in lodging the FIR. Though she has stated that, on the date of the incident, the Applicant disclosed about the incident to her and asked her to delete all call record and messages from her mobile phone, the fact that she remained silent for 15 days creates doubt.

10. As the investigation is completed and the charge-sheet has been filed, further custodial interrogation of the Applicant is not required. Therefore, a case is made out for releasing the Applicant on bail. Hence, I pass the following order:

ORDER

- i) The applicant, namely, **Arun Bajirao Kapase** shall furnish personal bond of Rs.25,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the Investigating Officer;
- ii) The applicant shall remain present before the Police Station concerned on every Thursday between 11.00 a.m. to 01.00 p.m.;
- iii) The applicant shall cooperate with the investigation and make himself available for

interrogation whenever required;

iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer;

v) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

vi) The applicant shall maintain law and order;

vii) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

viii) The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

ix) The applicant shall regularly remain present during the trial, and cooperate with the Hon'ble court to complete the trial for the above offences.

x) The Applicant shall not enter the area where the first informant resides.

11. In view of the disposal of the bail application, the interim application stands **disposed** of.

(MRS. VRUSHALI V. JOSHI, J.)