HEMANT CHANDERSEN SHIV

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1095 OF 2026

Narsimma Raju Mugonda .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Abhinav Dubey with Chintan Patel, Rajlaxmi Dubey, Mridul Das, Jyoti Pujari for the Applicant.
Mr. V. A. Kulkarni, APP for the Respondent – State.
Ms. Sonali Ghadge, Pahiravi Officer, BKC police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 19th AUGUST, 2026

P.C. :-

1. The Applicant seeks bail in connection with C.R. No. 175 of 2025, registered with B.K.C. Police Station, Mumbai for the offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023 ("BNS") on the report dated 06.04.2025 filed by Ms.Preeti Dulgaj, who is the daughter of the deceased.

2. The case of the prosecution, is that the Applicant/A-1 is son of the deceased, Raju Mugonda, whereas A-2, Padma Mugonda, is his wife. It is alleged that, owing to the deceased's drinking habits, frequent quarrels used to take place between the deceased, A-1 and A-2. On 05/04/2025, the informant/daughter of the deceased received an information on phone that her father had been killed by an unknown person, therefore, she lodged the aforesaid FIR. During investigation, police arrested both the accused and, upon completion of investigation filed charge-sheet against them.

3. Mr.Dubey, learned Counsel for the Applicant submits that, there is no evidence against the Applicant that he has committed the murder individually or nor that he had shared common

intention with A-2 for the same. He has been charged only for the offence under Section 238 of BNS. Therefore, bail may be granted.

4. In reply, Mr.Kulkarni, learned APP submits that there is clear evidence against the Applicant that he along with A-2 committed the murder of the deceased. Therefore, the bail may be refused.

5. I have considered these submissions. The submission advanced by Mr. Kulkarni, learned APP, is based on the statements of the witnesses. However, the said statements indicate that at about 7.00 p.m., there was a quarrel between the deceased and A-2, during which the Applicant was present and alleged to have assaulted the deceased. However, the neighbour, namely Ankit Paswan, intervened and by pacifying the Applicant, took him outside the house. Thereafter, Applicant went away and A-2 closed the door of the room from inside. Subsequently A-2 and the deceased again had a quarrel. After some time, at about 8.00 p.m., A-2 opened the door of the room and called the Applicant. Upon entering the room, the Applicant immediately came out and informed the neighbours that the deceased had sustained a knife injury. However, the Applicant concealed the knife to take the responsibility of the murder on him to shield his mother (A-2). In this backdrop, the Investigating Officer has concluded that the Applicant is liable only for the offence punishable under Section 238 of the BNS. The said offence is punishable with imprisonment which may extend to seven years. The Applicant has been in custody for the last fourteen months. He has no criminal antecedents. The incident appears to have arisen out of a family dispute.

6. In view above, the Applicant is entitled for bail. Hence, following Order :-

(i) The Applicant – Narsimma Raju Mugonda be released on bail in aforesaid FIR registered with B.K.C. Police Station, Mumbai, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant shall attend at B.K.C. Police Station, Mumbai on 1st and 16th day of each calender month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and update him, in case of any change.

(vi) The Applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

7. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)