WAKLE MANOJ JANARDHAN

Digitally signed by WAKLE MANOJ JANARDHAN
Date: 2026.10.07 15:55:09 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1610 OF 2026

Madan Ramekbal Giri ...Applicant

V/s.

The State of Maharashtra ...Respondent

Ms. Sana Khan a/w Adv. Parag Sawant i/by SRK Legal, for the Applicant.
Mr. H. J. Dedia, APP for the Respondent-State.
PSI – N.B. Gaikwad, Shivaji Nagar Police Station, Ambernath(E), present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 5th OCTOBER, 2026

P.C. :-

1. Heard learned counsel for the parties. Perused the record.

2. Applicant seeks his release on bail in connection with an FIR bearing Crime No.32 of 2021, registered with Shivaji Nagar Police Station, Ambernath (E), for the offence punishable under Sections 302, 304B, 498A, 201, 109 and 34 of the Indian Penal Code, 1860 ("IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961, on the report dated 29th January, 2021 filed by Mr. Jayendra Bhoyer, API.

3. The prosecution case is that, accused Nos.1, 3 and 4 are daughter, Son and wife of the applicant. The deceased was wife of accused No.3 and they got married with each other on 30th June, 2020. It is alleged that, after the marriage, for some days the deceased was treated properly by the accused persons. It is alleged that, on 15th August, 2020, all the accused persons assaulted the deceased to coerce her to fulfilling their unlawful demand of gold

items and motorcycle. It is alleged that, on 21st January 2021, accused No.1 assaulted the deceased with a sharp weapon and a wooden stick, at the instigation of the applicant. As a result, the deceased sustained serious injuries and died due to the said injuries. It is alleged that all the four accused caused disappearance of the evidence. Therefore, the accused were arrested and on completion of investigation, police submitted the charge-sheet. The trial Court refused to release the applicant on bail. His Criminal Bail Application No.4230 of 2023, filed before this Court is rejected by an Order dated 1st July, 2024.

4. Ms. Khan, the learned counsel for the applicant submitted that, as alleged, the applicant had telephonically instigated accused No.1 to assault the deceased. However, during investigating, police did not take voice samples of the applicant and accused No.1 to confirm that the subject matter recorded telephonic conversation had occurred between the two. She submitted that the applicant is in jail since his arrest on 29th January, 2021, which is more than 5 years and 8 months. Although the charge was framed on 29th October, 2025, till date, only PW1 is being examined, whose examination-in-chief is still incomplete. Meanwhile, on 81 dates, the applicant was not produced before the trial Court. As such, his incarceration is turning punitive, and he is entitled for bail. The applicant is a senior citizen. She submitted that accused No. 4 is on bail. Therefore, the applicant may be released on bail.

5. Following cases are cited to support these submissions :-

(a) *Chintan Vidyasagar Upadhyay Vs. The State of Maharashtra,* Petition for Special Leave to Appeal (Crl.) No.2543 of 2021 dated 17.09.2021.

(b) *Union of Indian(UoI) Vs. K. A. Najeeb*, reported in (2021) 3 SCC 713.

(c) *Avinash Anant Pawar @ Ajit Dada Vs. The State of Maharashtra*, Petition for Special Leave to Appeal (Crl.) No.1452/ 2022 dated 11.08.2022.

6. In reply, Mr. Dedhia, the learned APP submitted that the deceased was brutally assaulted at the instigation of the applicant on phone. The offence is very serious. Therefore, bail be refused.

7. I have considered these submissions. The material on record clearly indicate that the deceased was assaulted by accused No.1 at the instigation of the applicant on phone. While rejecting the earlier bail application of this applicant, this Court has observed that during the telephonic conversation with accused No.1, the applicant had told her that she should give blows on such parts of the body of the deceased that the deceased would suffer injuries, but the assault would not leave any marks on her body. The applicant even told accused No.1 to hit on the private parts of the deceased and to take care of not to hit on the bones. He had used extremely abusive language in telling accused No.1 to assault the deceased. It is also noted that the instigation was to cause specific injuries which had resulted in the death. The deceased was treated with extreme cruelty which is captured in the videos.

8. The cause of the death of the deceased was head injury with multiple injuries. As per record, the deceased had following injuries.

1) Abrasions of size 2cm x 0.3cm and 3cm x 0.5cm over left shoulder with dark red scab (two in numbers)

2) Abrasions of size 2cm x 0.3cm over left shoulder anterior aspect with dark red scab.

3) Multiple abrasions of size 6cm x 1cm over right posterior aspect of the shoulder (seven in numbers) with dark red scab.

4) Abrasion of size 1cm x 0.5cm over left lower eyelid with dark red scab.

5) Abrasion of size 2cm x 1cm over middle aspect of the dorsum of nose with dark red scab obliquely situated.

6) Multiple abrasions of size 1cm x 0.5cm (eight to ten in numbers) over dorsal aspect of the right forearm with dark red scab.

7) Two abrasions of size 2cm x 1cm and 1cm x 0.5cm over dorsum of right middle finger with dark red scab.

8) Abrasion of of size 6cm x 0.5cm over abdomen hypo gastric region. 7cm above the umbilicus horizontally situated with dark red swab.

9) Multiple linear abrasions of length 3cm (seven in numbers) noted over left side of abdomen umbilicus region obliquely situated 13cm lateral to umbilicus with dark red swab.

10) Abrasions of size 2cm x 0.3cm over middle finger dorsal aspect (five in numbers) and size 1cm x 0.3cm over dorsum of ring finger (four in numbers) of right hand with dark red swab.

11) Multiple abrasions of size ringing from 3cm x 0.5cm to 0.5cm x 0.3cm over anterior aspen of the left knee with dark red scab.

12) Abrasions of size 1cm x 0.5cm (four in numbers) over left thigh, middle half region with dark red scab.

13) Two abrasions of size 2cm x 1cm and 1 cm x 1cm over lateral aspect of right buttock with dark red Scab.

14) Two abrasions of size 3cm x 0.5cm, obliquely situated over right back over scapular region with dark red scab.

15) Multiple abrasions of size ranging from 2 cm x 0.3cm to 0.3cm x 0.2cm over upper back and left Scapular region (Seven in numbers) with dark red Scab.

16) Abrasions of size 2cm x 0.3cm to 0.3cm x0.2cm over lower back (Eight in numbers) with dark red scab.

17) Abrasion of size 2cm x 1cm over aspect palmar of left hand with dark red Scab.

18) Contusion of right lower eyelid, subcutaneous deep red in colour.

19) Contusion of left lower eyelid, subcutaneous deep red in colour.

20) Contusion of size 8cm x 4cm x subcutaneous deep over right shoulder, red in colour.

21) Contusion of size 7cm x 4cm x subcutaneous deep over left shoulder, red in colour.

22) Contusion of size 4cm x 3cm x subcutaneous deep over right forearm dorsal aspect, distal 1/3rd region, red in colour.

23) Three contusions of size 4cm x 4cm, 3cm x 3cm and 3cm x 2cm over dorsum of right hand, subcutaneous deep red in colour.

24) Contusion of size 5cm x 3cm x subcutaneous deep noted over dorsum of right hand, red in colour.

25) Contusion of size 4cm x 3cm x subcutaneous deep noted over lateral aspect of the left arm, lower 1/3rd region, red in colour.

26) Contusion of size 7cm x 3cm x subcutaneous deep over anterior aspect of the right thigh middle 1/3rd region, red in colour.

27) Two contusions of size 3cm x 2cm and 3cm x 1cm over right middle 1/3rd region, red in colour.

28) Contusion of size 6cm x 1cm x subcietaneous deep noted over right middle 1/3rd of the thigh, red in colour.

29) Contusion of size 6cm x 2cm x subcutaneous deep over left thigh middle aspect, red in colour.

30) Contusion of size 2cm x 1cm x subcutaneous deep over left thigh middle 1/3 rd region, red in colour.

31) Contusion of size 7cm x 6cm x subcutaneous deep over left upper 1/3rd of thigh, red in colour.

32) Contusion of size 6cm x 2cm x subcutaneous deep over upper middle back, red in colour.

33) Contusion of size 2 cm x 2cm x subcutaneous deep over right lower palmar aspect of the hand, red in colour.

34) Laceration of size 4 cm x 2cm x scalp deep noted over left parietal region, obliquely situated, margins irregular with infiltration of the blood.

35) Laceration of size 2 cm x 1cm x scalp deep noted over occipital region, obliquely situated margins irregular with infiltration of the blood.

9. Thus, it is apparent that the deceased was mercilessly assaulted due to the instigation of the applicant. Therefore, considering facts of the case, the applicant is not entitled for bail.

10. Ms. Khan pointed that accused No.4, the mother-in-law has been released on bail. However, the role attributed to her is distinct. In so far as the aspect of voice samples is concerned, it is a question of trial and at this stage, no much significance can be attached to that aspect, particularly when, the recorded telephonic conversation has been considered by this Court to opine that there is a prima facie case against the applicant.

Record indicate that the applicant was not produced before the trial Court on many dates and he has been incarcerated for more than five years. However, Mr. Dhedia, the learned APP, on instructions, submitted that, in this case the prosecution is going to examine maximum 10 to 12 witnesses. Therefore, if the trial is heard on weekly basis, it will address the question of the long incarceration. In the facts of the case, the said submission appears

reasonable as it will balance the rights of both sides and ultimately, serve the interest of the justice.

11. In the wake of above, the applicant is not entitled for bail. Hence, following Order:-

(a) Application is rejected.

(b) The trial Court is requested to expedite the hearing of the case and take up the case on weekly basis.

(c) The prosecution shall keep the witnesses present on the dates as would be fixed by the trial Court.

12. It is clarified that the observation made in this Order are limited 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. In short, the trial Court shall decide the said case on its own merits without getting influenced by any of the said observations.

13. Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)