

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4472 OF 2024

Dashrath Vitthal ShindeApplicant

VERSUS

The State Of MaharashtraRespondent

Ms. Sana Raees Khan a/w. Mr. Taraq Sayed and Mr. Harsh Shah,
Advocates for the Applicant.

Mr. B. B. Kulkarni, APP for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd FEBRUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in C.R.No. 3 of 2024 registered with Kamsheth Police Station, Pune, for the offence punishable under Section 302 of Indian Penal Code, 1860 (for short “IPC”).

2. It is contention of learned counsel for the applicant that the applicant is the husband of the deceased. On 08.01.2023, around 8:00 p.m., the applicant assaulted the deceased with sickle on her head and murdered her on the ground of suspicion of her character.

3. It is contention of learned counsel for the applicant that the applicant is behind bars for more than two years. The incident occurred

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suddenly. The applicant had no intention to kill the deceased. Though the applicant is behind bars for more than two years, trial is not concluded and requested to allow the application. She relied on ***Paras Ram Vishnoi Versus The Director, Central Bureau of Investigation*** in Criminal Appeal No. 693 of 2021 (Arising out of SLP(Crl.) 3610 of 2020).

4. It is contention of learned APP that incident is witnessed by 14 years old son of the applicant. The applicant brutally assaulted his wife with sickle and murdered her on ground of suspecting her character. The trial is in progress. Five witnesses have been examined. The trial will be concluded in couple of months. If the applicant is released on bail, he may abscond or threaten prosecution witnesses as all the prosecution witnesses are relatives of the applicant and requested to reject the application. He relied on ***X Versus State of Rajasthan and Anr.*** in Special Leave Petition (Criminal) No. 13378 of 2024

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. The son of the applicant has witnessed the incident of assault by the applicant on his wife with sickle. The deceased was brutally murdered. The applicant is behind bars for around three years. There is no progress in the trial. Out of 21 witnesses, prosecution has examined five witnesses.

6. It is contention of learned APP that prosecution is not going to

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examine all witnesses and trial will be completed within couple of months as some of the prosecution witnesses are the relatives of the applicant. If the applicant is released on bail, he may threaten prosecution witnesses. In my view, there is direct evidence against the applicant. I have gone through the case law cited by the learned counsel for the applicant. The facts of cited case and present case are different hence, not applicable. The ratio laid down by the Hon'ble Apex Court in the case law cited by the learned APP is squarely applicable to the present case, crystallising the legal principle that once trial has commenced in cases like murder, rape and prosecution starts examining witnesses, the Court should exercise restraint in considering bail application of the accused. Considering these facts, I pass following order.

ORDER

- (i) The bail application is rejected.
- (ii) The Trial Court is requested to expedite the trial.

(SHIVKUMAR DIGE, J.)