

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2219 OF 2025

Pentayya Janglya Chitaree	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Mubin Solkar a/w Tahir Hussain, A. Shaikh, Hemat Shah,
Tahira Qureshi, Zahid B. the Applicant.

Mr. Rishikesh M Pethe APP for the Respondent-State

Mr. Shrikant Bhagwan Dahiphle, Police, Mokhada Thane

Shri Pise Senior Jailar, Kalyan District Prison

CORAM: R. M. JOSHI, J.

DATED: 04th MARCH, 2026

PC:-

1. The Applicant seeks bail in connection with CR No.191 of 2024 registered Mokhada Police Station for the offences punishable under Sections 302, 201, 342, 364 r/w 34 of IPC

2. This is peculiar case wherein two offences came to be registered with two different police stations i.e. Cr. No. 18 of 2024 Mokhada Police Station and CR. No.191 of 2024 was registered at Kasara Police Station, in respect of one crime of commission of

murder of two persons. These two crimes came to be registered for the reason that dead bodies of the two individuals were found in the jurisdiction of two different police stations. The genesis of the crime however is one i.e. the accused herein having caused assault on two deceased persons in the house of the present applicant and dead bodies were thrown at two different places. The investigation into the crime is concluded with filing of the chargesheet.

3. Learned counsel for the Applicant submits that in CR No. 19 of 2024 registered with Kasara Police Station, the present Applicant has been granted bail in Sessions Case No. 444 of 2024 by order dated 01.04.2025. It is his submission that this order has not been challenged by the prosecution till date. He further argued that in the instant case except for the statement of the accused under Section 27 of the Evidence Act, there is no other evidence which would connect him with the crime in question. In this regard he further argues that though place where the dead body was found is said to have been discovered at the instance of the accused-Applicant, in fact on 03.02.2024 itself the deadbody was found by the police, from the said spot. The statement made by the accused in that regard therefore, becomes inconsequential. As far as the place wherein the incident of assault has taken place, there is no incriminating material seized from the said spot and therefore the said discovery cannot be treated as incriminating against the Applicant.

4. Learned APP opposed the application by pointing out statement of Aarati who had made phone call to the deceased at 8:50 PM and heard quarreled between the applicant one of the deceased person. It is further submitted that with regard to the serious nature of crime and since there is criminal history against the applicant this is not a case for grant of bail.

5. It is his contention that the Applicant after commission of crime responded and was arrested from state of Telangana and hence is enlarged on bail, he is likely to abscond.

6. There is no dispute about the fact that in respect of the same incident of double murder, different crime came to be registered with two different police stations in crime no. 19 of 2024 registered with Kasara Police Station, Trial Court granted bail to the Applicant by order dated 01.04.2025. The said bail came to granted, irrespective of the fact that there was recovery of rope at the instance of Applicant. As far as present crime is concerned, there is no recovery shown at his instance. Further, admittedly the order passed by the Trial Court has not been taken exception by the prosecution till date.

7. As far as the evidence on record from the charge sheet, *prima-facie* it can be seen that police had knowledge about the place at which deadbody was found on 03.02.2024 itself, in such circumstance, the alleged disclosure of the said place present Applicant-accused is not a discovery. Apart from this though the

prosecution claims that the incident of assault on two different persons was caused in the house of the accused and they were killed, there is absolutely no evidence to indicate so. Thus, the statement of the Applicant under Section 27 of the Evidence Act *prima-facie* cannot be called as incriminating against him.

8. In so far as statement of witness Aarti is concerned though she claim that she made a phone call to the deceased at about 8:50 PM, this contention of her is not supported by CDR. She also claimed in the statement under Section 161 that call made on 02.02.2024 at 8:50 PM was the last call made to the deceased. However, CDR indicates that there was phone call made at 10:30 PM to the deceased moreover the statement of this witness is recorded on 27.03.2024 and hence it would be a question as to how far it could be relied upon. This Court finds substance in the contention of counsel for the Applicant that the said statement does not support the case of the prosecution

9. Having regarding to the nature of evidence on record, this court finds that it is a fit case wherein the Applicant is enlarged on bail since chargesheet is already filed. Appropriate conditions can be imposed in order to ensure that he is available during the course of trial.

10. Hence, following order.

ORDER

- i) The application stands allowed.
- ii) Application stands allowed in connection with CR No. 18 of 2024 registered with Mokhada police station, Applicant be enlarged on bail on furnishing PR Bond of Rs. 30,000/- with one or two surety in the like amount, to satisfaction of Trial Court.
- iii) Applicant to attain all dates of hearing before the Trial Court, unless specifically exempted by the order of the Trial Court.

(R. M. JOSHI, J.)