

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2520 OF 2025**

Rupesh Shamrao More ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Sumedh S. Modak (*appointed from Legal Aid*), for the Applicant.

Ms. Anuja S. Gotad, APP for the State-Respondent.

API – Dharmendra Pawar, Tulinj Police Station, is present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 11th FEBRUARY 2026**

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 306 of 2021 dated 4th March 2021 registered with the Tulinj Police Station, Mira-Bhayandar Vasai-Virar, for the offences punishable under Section 302 of the Indian Penal Code, 1860 ('IPC').

2. The facts of the case, in brief, are that the Applicant on 3rd March 2021, confided in his friend namely, Umesh Jadhav, that he killed his wife. The Complainant was unable to believe

him. Hence, he shared the said information with his other two friends. Three of them went to the Applicant's home, but found the door locked. They asked the neighbors as to whether anybody had seen the Applicant's wife, namely Vanita. Nobody had seen Vanita and hence, they went to the landlord and requested him to open the door. Thereafter, they returned to the house of the Applicant and opened the sliding window. They found said Vanita More lying on the bed inside the house in a pool of blood. They also saw a broken iron hammer lying near her. They thus went to the police station and made a complaint pursuant to which the FIR was registered.

3. The Applicant made successive bail applications before the District Judge-2 and Additional Sessions Judge, Vasai. However, by orders dated 1st June 2021 and 3rd January 2022, the said applications were rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. The Applicant has made this Application through jail. Hence, this Court had appointed Mr. Sumedh Modak to espouse his case. Mr. Modak has placed on record the entire charge-sheet. He submits that only on the ground of long incarceration, the Applicant deserves to be enlarged on bail. For this purpose, he has tendered two decisions of the Supreme Court, one in the matter of **Praveen Rathore Vs. State of Rajasthan and Anr.**,¹ and another in the matter of **Chintan Vidyasagar Upadhyay Vs. The State of Maharashtra**². He thus, relying on the said decisions, submits that the Applicant deserves to be released on bail on the ground of long incarceration.

5. Ms. Anuja Gotad, learned APP, has brought to my notice the contents of the complaint. She has also taken me through the postmortem report. She has also pointed to the Nivedan Panchanama of the Applicant. Pursuant to his disclosure, his bloodied clothes were recovered. She submits that there is

1 2023 SCC OnLine SC 1268

2 SLP (Crl.) No. 2543 of 2021

sufficient material on record to bring home the guilt of the Applicant. The offence is serious and grave and thus, the Bail Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. The postmortem report clearly indicates that the cause of death was due to '*head injury with cut-throat injury (unnatural)*'. There are numerous injuries on the body. The offence allegedly committed by the Applicant is gruesome. There is a statement of the neighbor, which is consistent with the statement of the Complainant. The Applicant has suffered incarceration for almost five years. However, the maximum sentence prescribed for the said offence is life imprisonment or death. The last four and half years cannot be said to be the case of long incarceration as far as the present Applicant is concerned, especially given the material available on record against him. I have also perused the decisions of the Supreme

Court relied upon by Mr. Modak. *Albeit*, the Supreme Court has enlarged the Applicants before it on bail, the said orders were passed in the facts and circumstances of those cases. In these circumstances, I am not inclined to enlarge the Applicant on bail.

8. The present Bail Application is rejected and is accordingly disposed of.

9. Considering that the Applicant is in custody since 2021, the Trial Court is requested to expedite the trial and in any case, frame the charges within a period of three months from the date on which this order is placed before it.

10. The Court acknowledges and appreciates the assistance rendered by Mr. Sumedh Modak.

(Dr. Neela Gokhale, J)