

Navnath Waghmare

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2680 OF 2025

Vikas Shyam Patil	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Pranil Sonawane, Janhavi Jadhav for the Applicant.
Mr. V.A. Kulkarni APP for the Respondent-State.
S.D. Palve, API Manpada Police Station.

CORAM: R. M. JOSHI, J.
DATED: 29th APRIL, 2026.

PC:-

1. Applicant seeks bail in connection with C.R. No. I-736 of 2024 registered with Manpada Police Station District, Thane for the offences punishable under Sections 302, 201, 120-B read with 34 of the Indian Penal Code and Sections 4, 25 and 27 of the Arms Act and Section 37 and 135 of the Maharashtra Police Act.
2. In brief, it is a case of the prosecution that First Information Report came to be lodged in respect of incident dated 31.05.2024 according to the informant who is son of the deceased, informed to the police that on the fateful day, the deceased left home at about 9.50 p.m. He was seen at the spot near Pan Shop, Umbrali Naka.

He was returned to home immediately. It is however, thereafter informant received a phone call indicating that his father is lying in injured condition behind Mamashree Dhaba, after getting the said information, he went to the spot. He found deceased having injuries over his head. Sandesh Bhoir and Hemand Rambhau Bhoir were present at the spot. Deceased was taken to the hospital however, doctors declared dead before admission, on the basis of the said information offence came to be registered. During the course of the investigation involvement of the applicant was found in the present case. According to the prosecution, applicant was seen near pan shop where the deceased had gone and as per the CCTV footage he was seen following the deceased in a Auto rickshaw. During the course of the investigation, blood stains were found on the clothes i.e. Pant and Cap of applicant, which were seized from him. The weapon of assault was also seized at his instance. C.A. report indicates that the Pant and Cap of the applicant had blood stains of blood group of the deceased. On the basis of the said evidence chargesheet came to be filed against him.

3. Learned counsel for the applicant submits that this is a case of circumstantial evidence and all circumstances do not unerringly point out towards the guilt of the applicant. It is his submission

that if it is a case of the prosecution that the co-accused has burnt the clothes of the applicant, question of recovery of any blood stained clothes of applicant does not arise. It is his submission that in any case the said evidence would be a weak piece of evidence and on the basis of which no conviction can be recorded against the applicant. It is his further submission that applicant has no criminal history and hence after filing of the chargesheet, his further custody is not necessary.

4. Learned APP opposed the application by pointing out material evidence collected during the investigation. It is argued that there is CCTV footage indicating that the applicant is following the deceased. There is recovery of weapon of assault so also the clothes of the applicant stain with blood. It is submitted that in case of circumstantial evidence, the available material on record is sufficient to establish the guilt of the applicant. It is further submitted that having regard to the serious nature of the crime applicant is not entitled for bail.

5. No doubt, this case is based on circumstantial evidence since no one has witnessed, the actual incident assault in which the deceased died. There is material on record to show that the deceased died a homicidal death. There is further evidence in the

form of CCTV footage indicating presence of the applicant opposite to the pan shop and he was also seen following the deceased. There are statements recorded during the investigation indicating the motive of the applicant to commit crime as the deceased was an estate agent and was trying to effect transaction of disputed land and as such the accused had grudge against him.

6. In the light of these facts, *prima-facie* there is evidence in the form of CCTV footage so also recovery of the weapon of assault at the instance of the applicant. Apart from this there is recovery of Cap and Pant of the applicant with blood stains of the blood group of the deceased. Though, there is allegation against the co-accused that he burnt clothes of the applicant, perusal of the panchnama concerned indicates that only shirt was burnt but not the Pant and Cap. This Court therefore finds no substance in the contention of the counsel for the applicant that the said recovery would not become incriminating against the applicant.

7. Since, there is *prima-facie* evidence on record to show the complicity of the applicant in serious crime like murder, applicant is not entitled for bail.

8. Hence, application stands dismissed.

(R. M. JOSHI, J.)

