

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2825 OF 2025

Nitin Dattu Patil	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Dhananjay Thoke, for the Applicant.
Mr. A.S. Gawai, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 26th MARCH, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No.397 of 2023 registered with Kasarwadavli Police Station for the offence punishable under Sections 302, 324, 201, 203, 120B and 34 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. In short the case of the prosecution is that the deceased was taken in a car by the accused persons and was killed in the car. The Applicant claims himself to be the driver of the vehicle and hence have no concern with the crime in question.

3. Learned counsel for the Applicant submits that this is case of circumstantial evidence and that there is no evidence to link the Applicant with the crime in question. It is his further submission that there is recovery of knife at the instance of co-

accused and it cannot be said that the Applicant has committed assault. With regard to recovery of the knife at the instance of the Applicant it is contended that in view of the fact that there is already recovery of knife from a car, the said recovery against the Applicant is inconsequential. Apart from this, according to him there is no motive for the Applicant to commit the crime in question and this is a fit case for grant of bail.

4. Learned APP opposed the application by pointing out the incriminating evidence against the Applicant. He drew attention of the Court to the statement of Himanshu, which indicates that while the deceased was taken in a car, and was occupying backseat thereof. It is his submission that if the Applicant was the driver, the question of he taking backseat in the car does not arise. Apart from this, it is pointed out that there is recovery of blood stained clothes which shows his complicity in the crime.

5. No doubt, it is the case based upon circumstantial evidence. There is no law that in case of circumstantial evidence the Applicant / accused would be entitled to get bail during the pendency of the trial if there is sufficient material on record to indicate his complicity in the crime. Once it is claimed that he was the driver of the vehicle it is admitted fact that he was present at the time of occurrence of the incident. This Court finds *prima facie* substance in the contention of learned APP relying upon statement of Himanshu that if the Applicant was the driver the question of he occupying backseat does not arise and was supposed to have been driving the vehicle itself. The explanation sought to be given by the

Applicant is not supported by the material on record. Moreover, there is recovery of blood stained shirt of the Applicant. Thus, it cannot be said that there is no prima facie material to connect him with the crime in question. In case of murder, more particularly involving circumstantial evidence, *prima facie* this evidence is sufficient to connect the present Applicant with the crime to accept his complicity in the crime. Considering serious nature of the crime the Applicant is not entitled for bail.

6. Hence, Bail Application stands dismissed.

(R. M. JOSHI, J.)