

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2930 OF 2025

Jayesh Mahendra Panchal ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Amit Icham a/w Chaitanya Purankar for the Applicant.

Mr. S.S. Ghag, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 20th APRIL, 2026

PC:-

1. This application for regular bail has been filed in connection with C.R. No. 284 of 2022 registered with Arnala Police Station for offences punishable under Sections 302, 201, 465, 466 and 468 of Indian Penal Code, 1860 (for short " I.P.C. ").

2. It is the case of prosecution that on 26.08.2022, Ricky husband of informant went for his work but did not return for taking lunch during afternoon hours, therefore his wife Kajal made a phone call to him, at that time, he told her that he will

not come home to have lunch. Thereafter, Ricky Waghela did not return back during night, thereafter his wife made repeated phone calls to Ricky. But it was not received. Thereafter on 27.08.2022 she lodged a missing report at the police station.

3. During investigation the I.O. found that the mobile number of deceased Ricky is with one Om Arvind Kalsariya. The said Arvind Kalsariya told police that he found the said mobile. Accordingly, Police seized the said mobile and obtained the CDR and SDR of the related phone number of the present accused. At that time, one suspected mobile number was found in it. Thereby I.O. called said person on the said mobile number i.e. Martin Nadar. He is a tempo driver. He stated before the police that accused Jayesh made a phone call to him on 26.08.2022 for hiring a tempo. On that day at about 8:30 p.m. he reached the shop of the accused. Accused asked them to keep one wooden cupboard in the tempo and asked to take the tempo towards Chikhal Dongari road. While proceeding on road, accused asked them to stop the tempo at

one rivulet and told them to go away. Thereafter, he had shown the said spot to the police. At that time police found one wooden cupboard identified by Martin Nadar in one rivulet. On opening it, a dead body was found in it. The said dead body is identified by the brother and wife of deceased- Ricky Waghela. On the basis of these allegations, the said FIR came to be lodged and in the course of investigation the applicant came to be arrested on 03.09.2022 in respect of the aforesaid crime and after completion of investigation chargesheet was filed.

4. Learned counsel for the applicant submits that this is a case of circumstantial evidence and that all circumstances do not unerringly point out towards the death of the applicant. He further submitted that the prosecution basically relies upon CCTV footage indicating the entry of the applicant into the shop of the accused and thereafter him not leaving the same. In this regard, it is submitted that there is a gap of 13 minutes in the CCTV footage, which is sufficient to consider that the deceased might have left the shop of the applicant. It

is his further submission that in the absence of any other evidence and the CCTV footage being inconclusive in nature, applicant deserves bail. It is further argued that the applicant is in jail since 03.09.2022 and there is no possibility of commencement and conclusion of the trial within a reasonable period of time. On these amongst other contentions, he seeks enlargement of the applicant on bail.

5. Learned APP opposed the application by contending that the offence charged against the applicant is serious in nature. It is submitted that apart from the CCTV footage, there is evidence in the form of recovery articles of the deceased at the instance of the present applicant. This, according to him, is sufficient to connect the applicant with the crime in question.

6. *Prima-facie*, perusal of the record indicates that there was a dispute between the applicant and the deceased over the receipt of money by the applicant, with a promise of employment. Apart from this, there is CCTV footage indicating the entry of the applicant into to the shop of the

applicant/accused and thereafter, the deceased has not been seen alive by any other person. The statement of tempo driver shows that the wooden cupboard, in which dead body was found was removed from the shop of the applicant. Moreover, pursuant to the memorandum statement of the applicant under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023 there is recovery of personal belongings including identity card etc. of the deceased.

7. Though it is sought to be argued on behalf of the applicant that the ATM machine seized at the instance of the applicant was given by the deceased to him for sale and therefore, the recovery and the identity card etc. of the deceased was given for the purpose of securing employment. It is sought to be so argued but there is no material to support this argument. There is nothing on record to show that deceased had given any personal belongings, including identity card to the applicant. In absence of any such evidence on record, recovery of the belongings of the deceased at the instance of the applicant becomes an incriminating

circumstance against him.

8. Since, this is a case of circumstantial evidence, the Court has to *prima-facie* see whether there is material on record in order to connect the applicant with the crime. As discussed hereinabove, there is no evidence/details of who has seen the deceased alive after he went to the shop of the applicant, The applicant had motive to commit murder of the deceased owing to the deceased towards the non providing of employment inspite of receiving money. Finally, this CCTV footage and seizure of incriminating articles from the applicant connects him with the crime.

9. In considering view of this Court this is not a fit case for grant of bail.

10. Hence, application therefore, stands dismissed.

(R. M. JOSHI, J.)