

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3178 OF 2025**

Vishwas Shantaram Thakre

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Sneha Mishra a/w Shashawk Shubnam, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*

CORAM R. M. JOSHI, J.
DATED: 13TH MARCH 2026

PC:-

1. This Application seeks enlargement of the Applicant on bail in connection with CR No.152 of 2016 registered with Bhiwandi Taluka Police Station, for the offence punishable under Sections 302, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. On the basis of the First Information Report lodged by the wife of the deceased, offence came to be registered against the Applicant and the co-accused. It is the case of the informant that on 3rd July, 2016 at about 02:30

a.m., when the husband of the informant went to the hut of the Applicant to request him to restore the electricity connection, a quarrel took place between them. The informant claims that the Applicant assaulted her husband with a stick. When she sought to intervene into the assault, the Applicant and the co-accused assaulted the informant too. As a result of the said assault, she ran away from the spot. However, saw the incident of assault on her husband from a distance. In the morning, she reported the incident to the Police Patil. It was then found that the deceased was dead inside the hut. The offence came to be registered. During the course of the investigation, since the evidence was found against the Applicant and the co-accused, the charge-sheet came to be filed against them.

3. Learned counsel for the Applicant submits that the Applicant was arrested on 3rd July, 2016 and the charge-sheet was filed on 20th September, 2016. It is her contention that inspite of filing of the charge-sheet in the year 2016, the

charge came to be framed only on 30th August, 2025. Even thereafter, not a single witness has examined by the prosecution till date. She therefore seeks enlargement of the Applicant on bail on the ground of long incarceration. On merits, it is her submission that the post-mortem note indicates that only an isolated injury to the deceased and the cause of death is internal hemorrhage. It is thus submitted that this is not a case where the offence said to have been committed punishable under Section 302 of the IPC.

4. Learned APP opposes the bail application. It is his contention that the offence is serious and there are witnesses to the incident in which the deceased died. It is his submission that the witness summons have already been issued to the witnesses and if the Applicant is released on bail, he may tamper with the prosecution evidence. In response, learned counsel for the Applicant, on instructions, makes a statement that the Applicant will not enter the jurisdiction of the concerned police station till conclusion of the trial.

5. *Prima facie* perusal of the record indicates that it was the deceased who went to the hut of the Applicant and there was a quarrel between them. Insofar as the actual incident of assault is concerned, the informant states that she could see the said incident from a distance. Admittedly, the incident has occurred inside the hut. Coupled with the said fact, the post-mortem note indicates that death was caused on account of internal hemorrhage to the deceased and only one surface injury is found on the person of the deceased. In light of these facts, the Applicant is behind bars since July, 2016. Though a statement is sought to be made on behalf of the prosecution that witnesses are likely to be examined shortly, considering the total number of witnesses, i.e. 28, there is no possibility of conclusion of the trial in short period of time. Having regard to the aforesaid facts and in view of the fact that the Applicant has no criminal history, he is entitled for bail. Hence, the following order.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with CR No.152 of 2016 registered with Bhiwandi Taluka Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) As volunteered, the Applicant shall not enter the jurisdiction of Bhiwandi Taluka Police Station till conclusion of the trial.
- iv) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J)