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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3254 OF 2025

Akash Chandrakant Jadhav	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Altaf Khan with Ilaf Shaikh, Advocate appointed through Legal Aid for the Applicant.
Ms. Megha Bajoria, APP for the Respondent-State.
Mr. Suyog Waykar, API, Upnagar police station present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 5th MARCH, 2026

P. C. :

- . The Applicant-Accused, who is presently in jail is seeking his release on bail in C.R. No.458 of 2023 registered with Upnagar police station under Section 302 of the Indian Penal Code (for short 'IPC').
- 2) Heard Mr.Khan, learned Advocate appointed for the Applicant and Ms.Bajoria, learned APP for the Respondent-State.
- 3) The prosecution case is that the Applicant and deceased Mayank were real brothers. Both were residing in a tenement viz. Flat No.1, Manas Apartment, Takadi Road, Ramdas Swami Nagar, Upanagar, Nashik. The Applicant was addicted to alcohol and not doing any work. The Applicant wanted to sell the said tenement. Deceased Mayank was not

agreeable to that. Therefore, since 15 days prior to the incident there was dispute between them. Therefore, on 11/12/2013, at about 11.00 am, the Applicant assaulted Mayank with grinding rolling stone and thereafter with sharp object and lastly, he strangled Mayank by means of waist belt. The incident was immediately reported to the police, and present crime came to be registered. After completion of the investigation, the charge-sheet was filed.

4) The Bail Application preferred by the Applicant before the trial Court was rejected vide Order dated 9/07/2024. Hence, this Application.

5) Mr. Khan, learned Advocate for the Applicant emphatically submitted that, as per the statement of Ashok Jadhav, Uncle of the Applicant and deceased, both the brother were addicted to intoxicating substance. From the material on record, it appears that the incident occurred at the spur of moment in which homicidal death of Mayank was caused. Therefore, this is a case of Section 304 of IPC but certainly not of under Section 302 of IPC. He submitted that the Applicant was just 24 years of age at the time of incident. The Applicant is under incarceration for more than 2 years. The detention of the Applicant in jail will not serve any purpose as the investigation is complete and the Applicant is not likely to abscond, therefore, bail may be granted.

6) In contrast, learned APP submitted that there is sufficient circumstantial evidence against the Applicant that he committed murder

of his brother and thereafter confessed the said crime to his Uncle immediately after the incident. The deceased was brutally murdered by the Applicant, therefore, the offence is serious. As such, the Applicant is not entitled to be released on bail.

7) I have considered the submissions. Record indicates that, on the date and time of the incident, the Applicant and deceased Mayank were present in their room. The noise of their quarrel attracted the attention of the neighbours and their Uncle, Ashok Jadhav. When the Applicant's Uncle went to room, the Applicant opened the door of the room. The deceased was found lying dead there. The post mortem report reveals that the cause of death of the deceased was asphyxia due to strangulation.

8) In view thereof, I do not find any substance in the submissions of the learned Counsel for the Applicant rather there is *prima facie* case of alleged murder against the Applicant. Therefore, the Applicant is not entitled to be released on bail.

9) As a result, Application is rejected.

10) If the trial in present crime is not completed within a period of two years, the Applicant is at liberty to renew his prayer for bail.

11) Application is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)