

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 3742 OF 2025

|                          |               |
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| Devanand Eknath Sutar    | ...Applicant  |
| <b><i>Versus</i></b>     |               |
| The State of Maharashtra | ...Respondent |

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Ms. Vrushali Maindad, for the Applicant  
Mr. S. S. Ghag, APP, for the Respondent - State.

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CORAM: R. M. JOSHI, J.

DATED: 26<sup>th</sup> MARCH, 2026

**PC:-**

1. The Applicant seeks enlargement on bail in connection with Crime No. 923 of 2018 registered with Waliv Police Station, Dist. Palghar, for the offence punishable under Section 302 of the Indian Penal Code, 1860 (For short "IPC").
2. It is the case of the prosecution that Applicant killed his younger brother aged about 15 years by pressing his neck and assaulting him on the fateful day. The *Post Mortem* report indicates that death is due to asphyxia due to throttling. There are eye witnesses to the incident who have seen Applicant killing the younger brother.
3. Learned Counsel for the Applicant submits that this Court while passing order dated 19<sup>th</sup> September 2024 has not rejected the application on merits as there in no reference to that effect in that order. It is submitted that the liberty was granted to the

Applicant to move a fresh application for bail in case trial is not concluded within a period of six months. It is contended that Applicant is behind bars since 8<sup>th</sup> October 2018 that is for a period of approximately eight years. It is submitted that even on merit Applicant is entitle on bail.

4. Learned APP opposes the application by pointing out the material evidence on record which *prima facie* indicates involvement of the Applicant in the crime of serious nature. He submits that till date six witnesses are examined and for examining remaining seventeen witnesses, one years time is required.

5. *Prima facie* perusal of the record indicates that there is sufficient material to show that the Applicant has committed murder of his younger brother, aged about 15 years by throttling him. The incident has been witnessed by the members of the family. Statements recorded by the investigating agency during the course of the investigation demonstrate the same. This is not the case wherein the incident in question has occurred on any grave or sudden provocation, in order to scale down the degree of the offence from murder.

6. No doubt Applicant has a right of seeking expeditious trial. However, at the same time the right of the victim to get justice cannot be ignored. At least as of date it is not a case that trial is not progressing. Having regard to the serious nature of

offence, the prosecution is justified in seeking one years time for conclusion of the trial. Hence, order.

**ORDER**

- (i) Application stands dismissed.
- (ii) In case trial is not concluded within a period of a year from today, liberty is granted to the Applicant to file fresh application for bail.

(R. M. JOSHI, J.)

VDMokal/-