

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

BAIL APPLICATION NO.3746 OF 2025

Suraj Dhyanchand Gupta

.... Applicant

Vs.

The State of Maharashtra & Anr.

.... Respondents

Mr. A. R. Bukhari for the Applicant.

Mr. H. J. Dedhia, APP for Respondent No.1-State.

Ms. Samiksha Pawar, Advocate appointed for Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 9th JUNE, 2026

P.C. :-

1) The Applicant is seeking bail in connection with C. R. No.98 of 2020 under Sections 302, 307, 452, 342, 354(D) of the Indian Penal Code (for short "I.P.C.") and Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 registered with Badlapur (East) police station on the report dated 20th June 2020, filed by the informant-father of the victim girl aged 14 years.

2) Heard Mr.Bukhari, the learned Counsel for the Applicant, Mr.Dedhia, the learned APP for Respondent No.1-State and Ms.Pawar, the learned appointed Advocate for Respondent No.2.

3) Mr.Dedhia, learned APP tendered the postmortem report and medical papers across the bar. The same is taken on record and marked "X" for identification.

4) The allegations against the Applicant are that on 19th June 2020, at about 10.00 am, the Applicant entered the room of the informant and strangled his daughter by means of *Odhani* as the informant was not ready to marry his daughter with the Applicant. Immediately, the victim girl was taken to Rural hospital at Badlapur and later on, she was shifted to

K.E.M Hospital. Thereafter, the informant filed the said report. Initially, the report was registered under Sections 307 and 452 of the I.P.C. The victim died on 24th June 2020 while undergoing the medical treatment. Therefore, offence of Section 302 of the I.P.C. was added to the crime. The Applicant came to be arrested on 2nd July, 2020. On completion of the investigation, police submitted the charge-sheet. The Bail Application filed by the Applicant came to be rejected by the trial Court.

5) Mr.Bukhari, the learned Counsel for the Applicant has made two fold submissions. Firstly, he has submitted that, even if the prosecution case is accepted as it is, there is no *prima facie* case of the offence of Section 302 of the I.P.C. because there was no intention on the part of the Applicant to cause death of the victim. Secondly, he has submitted that the Applicant has been in jail since last six years. Charge has been framed prior to two years. However, no prosecution witness has been examined so far. There is heavy pendency of under-trial cases before the trial Court. As such, the present case may take more time for its hearing and disposal. The Applicant was 19 years old at the time of alleged crime. The long incarceration is causing great hardship to the Applicant and his family. Therefore, the Applicant may be released on bail.

6) In reply, Mr.Dedhia, the learned APP and Ms.Pawar, the learned appointed Advocate for Respondent No.2 have opposed the Application. They have submitted that the material on record clearly show that at the relevant time, the Applicant had entered into the room of the informant and strangled the victim. There were injuries on the face of the Applicant which indicate that the victim had resisted him, however, he tried to strangled her. As per the postmortem report, the cause of the death of the victim was complications due to ligature strangulation by soft material. It corroborates the prosecution case. Thus, there is a *prima facie* case of offence of Section 302 of I.P.C. etc. Hence, the Application may be rejected.

7) It is a fact that the incident occurred on 19th June 2020. The victim survived for four days and unfortunately, she died on 24th June 2020. This fact indicates that although the Applicant had tried to strangle the victim he did not apply much force. In view thereof, whether the Applicant had intention to cause death of the victim or not, is the question of trial. The Applicant is behind bars for last six years. Despite charge has been framed prior to two years, no prosecution witness is examined till date. The trial will take some time for its disposal as there are other cases of under trial. The Applicant is not likely to abscond and tamper with the prosecution witnesses.

8) In view of above discussion, the Applicant is entitled for bail. Hence, following Order is passed :-

- (i) Bail Application is allowed.
- (ii) The Applicant-Suraj Dhyanchand Gupta shall be released on bail in connection with C. R. No.98 of 2020 under Sections 302, 307, 452, 342, 354(D) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 registered with Badlapur (East) police station, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall mark his attendance at Badlapur (East) police station on the 1st day of each calendar month between 12.00 noon to 4.00 pm, till the conclusion of the trial.
- (iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.
- (v) On being released from jail, the Applicant shall furnish his

contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.

- (vi) The Applicant shall regularly attend the proceedings and shall not leave the jurisdiction of the trial Court without prior permission, till the trial in this case is over.
- (vii) On breach of any of the aforesaid conditions, the bail granted to the Applicant shall be cancelled without further reference to the trial Court and this Court.
- (viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(SHYAM C. CHANDAK, J.)