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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3771 OF 2025**

Shashikant Ramkesh Rajbhar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ganesh Bhujbal, Advocate i/b Mr. B. D. Shinde for the Applicant.
Mr. Ashish I. Satpute, APP for the Respondent-State.

CORAM : SHYAM C. CHANDAK, J.

DATE : 29th JANUARY, 2026

P. C.:

- 1) Present application arises on account of rejection of bail of the Applicant by the trial Court in C.R. No. I-51 of 2025, registered with Dahanu Police Station, District Palghar, on 17/04/2025 for the offences punishable under Sections 103 (1), 212, and 238 read with Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023.
- 2) Heard Mr.Bhujbal, the learned counsel for the Applicant and Mr Satpute, the learned APP for the Respondent State.
- 3) It is the prosecution case that, the deceased was husband of accused no.1 (A-1). As alleged, the deceased used to doubt the fidelity of A-1, abused and beat her. Applicant/Original accused no.2 is a friend of A-1. On 27/03/2025, at about 1:30 hours, while the deceased, Sudhir Kumbhare was seated on a chair consuming liquor at his residence, the A-1

committed the murder of the deceased by smothering him with a pillow. It is alleged that, at the time of the murder, the Applicant had caught hold of one hand of the deceased, while the daughter of the deceased had caught hold of his other hand. The Applicant was arrested on 18/04/2025. Upon completion of the investigation, charge-sheet came to be filed which is registered as Sessions Case No.131/2025.

4) Therefore, the Applicant filed an Application (Exh.4) for grant of bail under Section 483 of the Bharatiya Nyaya Surakhsha Sanhita, 2023. The Application was opposed by the prosecution and the informant by filing say/objection (Exh.5 and 7 respectively). After hearing the parties and on perusal of the investigation material, the trial Court rejected the Application holding that there is a *prima facie* case against the Applicant of the alleged offence.

5) Mr Bhujbal, the learned counsel for the Applicant submitted that the A-1, who had allegedly smothered the deceased to death, has already been granted bail. Although it is alleged that the Applicant had caught hold of the deceased at the time of the incident, there is no eye witness to that effect. He further submitted that, the prosecution has claimed involvement of the Applicant in the alleged offence only on the strength of the CDR. However, the CDR does not indicate that the Applicant was present at the spot at the time of the murder. As such, there is no *prima facie* case against the Applicant of the alleged offence and

therefore bail may be granted.

6) Mr Satpute, the learned APP strongly opposed the application and submitted that the material collected during the investigation shows that the Applicant along with A-1 and her daughter have committed the murder of the deceased when he was seated on a chair and consuming liquor. The offence is serious. Therefore, bail may be refused.

7) While granting bail to the A-1, this Court has specifically observed that, even if the post-mortem report is accepted as gospel truth, it cannot be said that the A-1 had throttled the deceased. Admittedly, there is no material on record to indicate that the Applicant was present at the house of the deceased when he was murdered. As alleged by the sister of the deceased, the Applicant was a paramour of the A-1. However, there is no direct evidence of such relationship. The learned APP contended that the CDR indicates that the Applicant and A-1 were in constant contact of each other even just before the murder. However, that itself is not sufficient to hold that the Applicant was present at the spot when the deceased was smothered to death. As such, whether the Applicant shared the common intention to commit the murder of the deceased is a question of trial. The Applicant has no criminal antecedents and he is not likely to abscond and tamper with the prosecution evidence, if released on bail. The A-1 has been granted bail on certain conditions. In view thereof, this Court is inclined to allow the application. Hence, the following order:

ORDER

- (a) Applicant – Shashikant Ramesh Rajbhar shall be released on bail in connection with C.R. No.51 of 2025, registered with Dahanu Police Station, District Palghar on his furnishing a P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - (b) The Applicant shall regularly attend before trial Court on each and every date and cooperate for expeditious disposal of the case.
 - (c) The Applicant shall attend Dahanu police station on the first day of each calendar month between 10:00 am to 2:00 pm, till the conclusion of the trial.
 - (d) Before his release from jail, the Applicant shall provide his contact number and the residential address to Dahanu police station as well as trial Court so that he can be contacted, if required, during pendency of the case.
 - (e) The Applicant shall not change his residential address without prior permission of the trial Court concerned.
 - (f) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to dissuade them from tendering their evidence against him.
 - (g) If the Applicant disobeyed any of the above conditions, the bail granted herein shall stand cancelled without further reference to this Court or the trial Court.
- 8) At this stage, the learned Counsel for the Applicant Mr.Bhujbal prayed to grant four weeks time to furnish surety and till then, to release

the Applicant on his executing a P.R. Bond in the sum of Rs.50,000/- and on depositing a sum of Rs.50,000/- in lieu of executing the surety bond.

Considering the facts of the case, said request is accepted. Hence, the Applicant be released on bail for a period of four weeks on his executing a P.R. Bond in the sum of Rs.50,000/- and depositing a sum of Rs.50,000/- in lieu of furnishing the surety bond.

At the end of said period of four weeks, the Applicant shall furnish the surety. On furnishing such surety, the amount totaling to Rs.50,000/- deposited by the Applicant shall be returned.

9) With above observations, the Bail Application is disposed of.

(SHYAM C. CHANDAK, J.)