

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3784 OF 2025**

Swapnil Pundlik Madhavi	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Mohd. Taha a/w Sejal Jain i/by Monika Chippa, *for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
ASI – G.G. Gotarne, Wada Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 06TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 24 of 2023 dated 22nd January, 2023 registered with the Wada Police Station, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. The facts of the case, in brief, are that there are in all five accused persons involved in the present offence.

Accused No.4 has been enlarged on bail. The co-accused is a wife of the deceased Santosh Tokare. Out of their wedlock they having a daughter namely Tanvi aged about 13 years. According to the prosecution, the deceased was in extra-marital relationship with wife of the the co-accused namely Nitin Savra. Therefore, there were frequent quarrel between him and his wife. Thus, both co-accused hatched a plan to kill the deceased. On 20th January, 2023, in the night the co-accused Nitin Savra and two other accused came to the house of the deceased and assaulted him on his head. The victim died. The said incident was witnessed by deceased's minor daughter who was sleeping with her mother in the drawing room. When she heard noise of some people entering the house, she woke up and asked her mother in that regard. Her mother, in fact, the Accused No.1, shut her up and scared her that they will kill her if she did not pretend to be asleep. Hence, she went back to sleep. Thereafter, once the Applicant was arrested, the police conducted an Identification Parade

and the minor daughter was able to identify the present Applicant.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane, however, by order dated 11th August, 2023, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Mohd. Taha, learned counsel for the Applicant, submits that the Applicant is falsely implicated in the alleged offence. He further submits that the minor daughter was asleep and even on being woken up by the noise in the house, did not witness the identity of the persons who entered the house, as the alleged offence took place in the bedroom of the deceased. Nevertheless, she has given a statement and identified the present Applicant as one of the assailants.

5. Be that as it may, the Applicant was arrested on 23rd January, 2023, and till date charges are not framed and

Accused No.4 is enlarged on bail, I am inclined to enlarge the Applicant also on bail, on grounds of parity. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

6. Application is allowed in the above terms and is accordingly disposed of.

7. 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.

(DR. NEELA GOKHALE, J)