

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1434 OF 2026

Rajesh Ramnaresh Yadav ...Applicant
Versus
State of Maharashtra ...Respondent

AND
BAIL APPLICATION NO. 3950 OF 2025

Gangaram Baijinath Yadav ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Amit Mane, with Saket Mane, for the Applicant in BA 1434/2026.

Mr. Mehul Thakker, for the Applicant in BA 3950/2025.

Ms. S. K. Gajare, APP for the Respondent-State in BA 1434/2026

Ms. Veera Shinde, APP for the Respondent-State in BA 3950/2025 .

CORAM: R. M. JOSHI, J.
DATED: 21st APRIL, 2026.

PC:-

1. By consent of both sides, heard and decided together since both the Bail Applications involve same facts as arising out of the same crime.

2. The Applicants in both the Bail Applications seek bail in connection with Crime No.0780 of 2024 dated 2nd September 2024 registered with Chitalsar Manpada Police Station, Thane City for

the offences punishable under Sections 103(1), 212 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

3. In short, it is the case of the prosecution that on the fateful day, the Applicant and the Co-accused found one person in the building. They suspected him to be a thief and assaulted him. In the said assault, the said person died. The offence came to be registered against the Accused for murder. On conclusion of investigation, charge-sheet is filed.

4. Learned counsel appearing for the Applicant - Rajesh Ramnaresh Yadav, submits that except for the alleged extra-judicial confession of the Co-accused and a belated statement recorded of a witness, there is no other evidence in order to show involvement of this Applicant in the crime. It is his submission that in any case, on the basis of same evidence, the Co-accused- Pramodkumar Ram Naresh Yadav has been released on bail by this Court by order dated 4th July 2025 passed in Criminal Bail Application No.1943 of 2025. It is his contention that the Applicant has no criminal history and by applying parity, he is entitled for bail.

5. Learned counsel appearing for the Applicant - Gangaram Baijinath Yadav, submits that though in addition to the afore-stated statements, a recovery is shown to be done at the instance of this Applicant, it is his submission that panchanama does not indicate that the stick, which was recovered, was stained with blood. It is his submission that the said recovery cannot be called as incriminating circumstance against the Applicant. He also seeks bail by contending that the Applicant has no criminal background.

6. The learned APPs oppose the Applications by submitting that there is a statement of the Co-accused in the form of extra-judicial confession and since it is a inculpatory statement, the same can be proved and would become admissible in evidence during trial. It is their further submission that there is a statement of independent witness, who has heard the conversation of the Accused persons indicating that they taught lesson to the thief. It is their further submission that having regard to the serious nature of the crime, the Applications be rejected.

7. There is no dispute about the fact that Accused- Pramodkumar, who is said to have made extra-judicial confession, has been granted bail by this Court by order dated 4th July 2025. In such circumstances, the Applicant - Rajesh Ramnaresh Yadav, who is also named by the said Co-accused deserves bail. Admittedly, there is same evidence against both the Accused.

8. Insofar as the Applicant- Gangaram is concerned, the additional evidence sought to be attributed against him is the recovery of stick at his instance. *Prima-facie*, there is no material on record to indicate that the recovered stick was stained with blood. Pertinently, till date, no C.A. Report is placed on record.

9. Having regard to the afore-stated facts, the observations made by this Court in the order dated 4th July 2025, assumes relevance. Paragraphs 7 and 8 of the said order read thus:-

“7. I have considered the submissions of the learned Advocates for the applicants and the learned APP, and also perused the material placed on record. It is not in dispute that the incident occurred in the backdrop of past thefts in the

building premises, and the deceased was suspected to be a thief by the watchmen. It also appears from the record that four persons were involved in the incident, and the specific role of each individual, including the present applicants, is not distinctly identifiable at this stage. The prosecution case, as it stands today, is based largely on statements of co-workers and circumstantial evidence.

8. The Post Mortem Report certainly shows that the deceased had suffered multiple injuries; however, the prosecution has not brought on record any eyewitness account that clearly establishes that it was these particular applicants who inflicted those specific injuries. While recovery of one iron rod and iron rope is shown from the possession of one of the accused persons, there is no recovery attributable directly to the present applicants. The statements of the Manager and the watchmen, relied upon by the prosecution, indicate that there was a scuffle in the process of apprehending a suspected thief, and it is alleged that excessive force was used. Whether the intention was to cause death, or the death occurred accidentally during the scuffle, is a matter that will require deeper scrutiny during trial.”

10. In view of the said observations, the role attributed to all the Accused is identical in nature. Since Co-accused are granted bail and the order of grant of bail has not been taken exception to before the Supreme Court, on parity, the Applicants are entitled for bail. Hence, following order is passed:

(a) The Bail Applications are allowed.

(b) The Applicants, shall be released on bail in connection with Crime Register No. 0780 of 2024 registered with Chitalsar Manpada Police Station for offences under Sections 103(1), 212 and 3(5) of the Bhartiya Nyaya Sanhita, upon their furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only)

each, with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The Applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(d) The Applicants shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(d) The Applicants shall report to the Chitalsar Manpada Police Station, on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(e) The Applicants shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The Applicants shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The Applicants shall, at the time of furnishing surety, provide their current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

11. The Bail Applications are disposed of in above terms.

(R. M. JOSHI, J.)

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