

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4064 OF 2025

Prathmesh @ Pattya Rajendra Sawant	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Shriganesh Salba Sawalkar, with Adira Tandan, for the Applicant.

Mr. S.S.Ghag, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 13th MARCH, 2026.

PC:-

1. The Applicant seeks bail in connection with C.R. No.276 of 2018 dated 1st June 2018 for offences punishable under Sections 302, 120-B and 201 read with 34 of the Indian Penal Code, 1860 ('IPC') registered with the Kolsewadi Police Station, District: Thane.

2. It is the case of the prosecution that Accused No.2-Asha hatched conspiracy to kill her husband, Shankar and Co-accused were engaged for the said purpose. It is alleged that Asha paid Rs.4 Lakhs as an advance to kill her husband to Accused No.7-Raj. It is further case of the prosecution that the said Raj in turn, engaged other Accused for executing the killing of the deceased. It is alleged that on 18th May 2018, the deceased was taken in an auto-rickshaw. There is allegation against Accused Nos.3, 4 and 5 of causing actual assault on the deceased. After completion of

investigation, the charge-sheet came to be filed. The present Applicant was arrested on 11th June 2018.

3. Learned counsel for the Applicant submits that on merit as well as on the ground of long incarceration, the Applicant is entitled to be released on bail. It is his submission that there is absolutely no evidence on record except for the statement of the Applicant himself made under Section 27 of the Indian Evidence Act, 1827 to show his complicity in the crime. He drew attention of the Court to the orders of this Court granting bail to Accused Nos.2,3 and 7. It is his submission that out of these three Accused persons, Accused No.3 is said to have caused actual assault on the deceased.

4. The learned APP opposes the Application by citing seriousness of the crime. It is his submission that pursuant to the statement made by the Applicant under Section 27 of the Evidence Act, there is recovery of motor-cycle. This according to him, shows his involvement in the crime.

5. *Prima facie*, perusal of the record indicates that there is no allegation against the Applicant that he caused assault on the deceased. On the basis of statement of the Co-accused, it is sought to be alleged against him that he procured knife, which was used for causing of the assault on the deceased. Except for the alleged statement of the Co-accused, there is no supporting material to indicate so. In the light of these facts, when the Co-accused against whom greater roles are attributed, are granted bail by this Court, this Court finds no justification in rejecting the Application.

6. Apart from the afore-stated facts, and the merits of the case, the Applicant is behind bars since 11th June 2018. Till date, only 8 witnesses are examined out of 51 witnesses. This Court therefore, finds no end of the trial in reasonable period of time. The Applicant has no criminal history. Appropriate conditions would ensure his appearance before the Trial Court. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed in connection with C.R. No.276 of 2018 registered with the Kolsewadi Police Station, Kalyan;

(ii) The Applicant be released on bail on furnishing PR. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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