

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4248 OF 2025

Aatish Madhu Dumada ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ayush Pasbola a/w Sankalp Vichare for the Applicant.

Mrs. S.D. Shinde, APP for the Respondent-State.

S.B. Sonavane, PSI, Dahanu DYSP Office Dist Palghar

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. Applicant seeks bail in connection CR. No. I-11 of 2025, registered with Gholwad Police Station for the offences punishable under Sections 140(3)(1), 142, 351(2) and 3(5) 61(2)(a) 103 and 238(a) of the Bharatiya Nyaya Sanhita, 2023.

2. In short, it is a case of the prosecution that the deceased was in term with his brother- Avinash Dhodi. On 20.01.2025 deceased went missing. Missing report was lodged to the concerned police station. After seven days dead body of the

deceased was found and as such the offence of murder came to be added to the charge.

3. In short, it is the case of the prosecution that owing to the disputes over business of the illicit transportation of liquor, co-accused Avinash hatched conspiracy with applicant and other accused and eliminated the deceased. After conclusion of the investigation, chargesheet came to be filed.

4. Learned counsel for the applicant submits that the applicant is an employee of co-accused- Avinash, It is his submission that except for the calls exchanged between applicant and co-accused, there is absolutely no evidence to connect him with crime in question. It is his further submission that the memorandum statement of co-accused -Avinash implicating the applicant cannot be read as evidence during the trial. It is his submission that there is no evidence against the applicant and his involvement in the crime, applicant is said to have no criminal history behind him. He deserves bail.

5. Learned counsel for the APP opposed the application by pointing out seriousness of the crime, it is her submission that co-accused-Avinash in detail has given statement as to how crime in

question has been committed, showing involvement of the applicant therein. It is her further submission that on 20.01.2025 there are number of calls exchanged between co-accused- Avinash and present applicant. According to her, it shows involvement of the applicant in the crime.

6. *Prima-facie*, perusal of the record shows that except for CDR indicating calls exchanged between applicant and co-accused-Avinash, there is no other evidence to connect him with the crime. In so far as the said calls are concerned, admittedly applicant is the employee of the co-accused-Avinash and hence exchange of calls per se does not become incriminating evidence. Apart from this there is allegation that the co-accused -Avinash is involved into the business of 'illicit liquor'. Having regard to the said facts the call detail/record indicating calls during night time is incriminating. It is more so for the reason the calls were exchanged before the death of the deceased. In view of the statement of one witness indicating the deceased being seen alive upto 7:45 p.m. on 20.01.2025. These facts indicate that there is substance in the contention of counsel for the applicant that the calls details/record by itself cannot be treated as incriminating circumstances

against the applicant. Except for this evidence there is no *prima-facie* evidence to accept complicity of the applicant in the crime. Applicant has no criminal history. He is not likely to flee from justice.

7. Hence the following Order:-

ORDER

a) The Applicant be enlarged on bail in connection with CR. No. I-11 of 2025, registered with Gholwad Police Station on furnishing PR bond of Rs. 30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.

b) The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.

c) The applicant shall attend concerned police Station between 11:00 a.m. to 03:00 p.m., once in a month on Monday till the conclusion of the trial.

8. In view of the above, application is allowed and disposed of.

(R. M. JOSHI, J.)