

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4289 OF 2025

Hari Rama Gowari ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Sushil Upadhyay a/w Ritesh Dubey i/b Vivek Mishra for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Ravindra Z. Patil, PSI, Manor Police Station

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR No.. I-276 of 2024 registered with Manor Police Station for the offences punishable under Sections 103(1), 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It short, it is a case of the prosecution that police spot in village and discovered dead bodies of two females. The manner in which the dead body was found, he was sure about victims homicidal death. During the course of the investigation accused persons came to be arrested along with present applicant. Applicant is neighbor of the co-accused as well as deceased. On conclusion of the investigation, chargesheet came came to be filed.

3. Learned counsel for the applicant submits that on the basis of evidence on record, the offence of murder cannot be attributed against the applicant. To support this submission he placed reliance on the statement of witness- Mohit, recorded under Section 183 of the BNSS. Referring to the said statement, he argues the the presence of the applicant at the spot of the incident is excluded. Without prejudice it is his submission that at the most offence of destruction of the evidence could be said to have been committed by the applicant and in no case of murder. In such circumstances, according to him, he deserves bail. Applicant has no criminal history and therefore, he is not likely to flee from justice in case enlarged on bail.

4. Learned APP opposed the application by citing seriousness of the crime in the form of calls detail record between applicant and deceased which indicates that pursuant to the conspiracy hatched between accused, the murder of two females is committed. She seeks rejection of bail.

5. *Prima-facie*, perusal of the record indicates that there is statement of one witness which is recorded before the Magistrate indicating that the applicant was not present at the time of commission of the murder of the deceased. In such circumstances *prima-facie*, the only charge which could be attributed against him is helping the accused to destroy the evidence of crime. Even memorandum statement of co-accused thought it cannot be read as evidence, still on the face of it indicates that applicant has help the co-accused in causing disappearance of the evidence of the crime.

6. Having regard to these facts applicant is entitled for bail. He has no criminal history. He is not likely to flee from justice.

7. Hence, following order:-

ORDER

- a) Application is stands allowed.
- b) The Applicant be enlarged on bail in connection with CR No.. I-276 of 2024 registered with Manor Police Station on furnishing PR bond of Rs. 15,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- c) The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
- d) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten or intimidate any witness in any manner whatsoever.

In view of the above, application stands disposed of.

(R. M. JOSHI, J.)