

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.4882 OF 2025

Pundalik Walimbe

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Abdul R. Bukhari, *for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the Respondent - State.*

PSI – Rameshwar Ashok Talekar, Kinhavali Police Station,
Thane Rural, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 143 of 2022 dated 28th July, 2022, registered with the Kinhavali Police Station, District Thane, for the offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860 (for short '**IPC**').

2. The facts of the case, in brief, are that the deceased was stated to be having an illicit relationship with

the Applicant's wife. On the stated day the deceased had gone to meet Applicant's wife in the midst of night. The Applicant woke up and saw the deceased in his house. He was already aware of their relationship as he had also caught them on two to three occasions. Taking advantage of dark, the Applicant threw an open electric wire on the deceased and switched on the current. The deceased was injured and later it transpired that he lost his life on account of an electric shock. A written complaint was made by the deceased's father and after the body of the deceased was found, the FIR was registered.

3. The Applicant was arrested on 28th July, 2022 on the statement of various witnesses who have stated that they were aware of the relationship between the Applicant's wife and the deceased.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Kalyan, however, by order dated 5th April, 2024, the said application was rejected.

Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Mr. Bukhari, learned counsel for the Applicant, submits that this is a case of false implication. He submits that the evidence against the Applicant is circumstantial in nature. He submits that the Applicant did not even know the deceased and there was no enmity between them. He pointed to the statement recorded that of the wife of the Applicant who clearly stated that the deceased had entered their house but had ran away when the Applicant woke up and switched on the lights. He also submits that the deceased was under the influence of liquor at the time of the incident and there is a possibility that he may have fallen and died in that process. He further submits that the Applicant is in custody since 28th July, 2022 and has suffered incarceration of three years and five months. Although the charges have been framed, the trial has not commenced. He thus, prays that the Applicant be enlarged on bail.

6. Mr. Sonavane, learned APP representing the State, resists the bail application. He submits that during the course of investigation several witnesses came forward and stated that there was a relationship between the deceased and the Applicant's wife and when he found out about their relationship, the Applicant caused his death. He further submits that when the Applicant found the deceased to be in his house in the middle of the night, he took advantage of the dark and gave electric shock, due to which the deceased lost his life. He submits that if the Applicant is released on bail there is possibility that he may tamper with the evidence. Hence, he resists the bail application.

7. I have heard learned counsels appearing for the respective parties and perused the record with their assistance.

8. Admittedly, the evidence in the present case is purely circumstantial in nature. There is no material on record, which *prima facie* clearly indicts the Applicant. There

is only a statement made in the nature of extra judicial confession of the present Applicant stating that deceased had entered his house and having the knowledge of the relationship between the deceased and his own wife, he gave him electric shock. *Prima facie* the role of the Applicant appears to be circumspect. The Applicant is in custody since 28th July, 2022. Although the charges have been framed, recording of evidence has not commenced. In these circumstances, I am inclined to enlarge the Applicant on bail. 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 also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall not enter the jurisdiction of Kinhavali Police Station, Tq. Shahapur, Dist. Thane, save and except to attend the police station and the Trial Court as above;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

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

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

viii) 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;

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

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

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

10. 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)