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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3625 OF 2025
WITH
INTERIM APPLICATION NO.3854 OF 2025

Budharam Mangilal Bishnoi	...Applicant
V/s.	
State of Maharashtra	...Respondent

Mr.Priyal Sarda with Mr.Govind Mundhe, Mr.Vinod Kendra, Adv.Parthrajware and Mr.Bharat Shinde i/b Ms.Neha Rathod for the Applicant.

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

Mr.Amit Icham i/b Mr.Yogesh B. for the Intervenor.

Mr.Anil Jadhav, PSI, Badlapur (West) Police Station is present in Court.

CORAM : R.M. JOSHI, J.
DATE : 18TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with Crime No.244 of 2022 registered with Badlapur (West) Police Station for the offence punishable under Section 302 read with 34 of IPC.

2. It is the case of the prosecution that an incident occurred on 8th December, 2022, wherein the deceased Shravankumar was assaulted and succumbed to the death due to the said injuries. It is the case of circumstantial evidence, as the incident in question has not been witnessed by any person. The case of the prosecution relies upon the CCTV footage indicating the present Applicant and two co-accused persons entering and exiting from the society, in which the deceased was residing. There are further recoveries from the spot. Since the statements were recorded with regard to there being dispute between the Applicant and the deceased over money dues to the deceased by the Applicant, the deceased is said to have been killed by the Applicant and co-accused.

3. Learned counsel for the Applicant submits that except for the alleged evidence of CCTV footage, there is absolutely no other evidence in order to connect the Applicant with crime. It is his submission that on the basis of the same evidence of CCTV footage, the co-accused is enlarged on bail by this Court by an order dated 12th March, 2025 passed in Bail Application No.1260

of 2024. It is his further submission that the recoveries done on the spot can be connected with the Applicant. Finally, he argued that though there are statements recorded of the witnesses, indicating the existence of the dispute between the Applicant and the deceased over repayment of money, there is no evidence in the form of phone calls or messages etc. collected during the investigation. It is his submission that the Applicant is in jail for over a period of 3 years and considering the weak nature of evidence, this is a fit case for grant of bail. He contends that the Applicant has no antecedents and is not likely to flee from justice.

4. Learned APP and the learned counsel for the informant opposed the application. It is their contention that the parity cannot be applied to the present Applicant in view of the order passed by this Court granting bail to the co-accused. In this regard, reference is made to the observations made by this Court while granting bail to the co-accused in paragraphs 7 to 10 of the order. Apart from this, it is submitted that there are statements of the witnesses indicating existence of the dispute

over the money between the Applicant and the deceased and as such there was motive available for the Applicant to kill the deceased.

5. Perusal of the order passed granting bail to the co-accused indicates that this Court granted bail on the ground that the presence of the said co-accused cannot be conclusively seen from the CCTV footage. Insofar as the present Applicant is concerned, except for CCTV footage, *prima-faice* there is no other evidence in order to connect him to this crime. This is not a case wherein the prosecution relies upon oral statements of the witnesses in order to allege financial transaction between the Applicant and the deceased. The witnesses have clearly stated about exchange of phone calls and messages between them. Admittedly, during the investigation, no such evidence is brought on record. *Prima-facie*, there appears weak piece of evidence against the Applicant. In the light of these facts, when the Applicant is in jail for over a period of 3 years and as there is no likelihood of commencement and conclusion of trial within the reasonable time, this Court finds it fit case for enlargement

of the Applicant on bail. He has no criminal history and is not likely to flee from justice. Appropriate imposition of appropriate conditions would take care of smooth trial being conducted before the Trial Court. Hence the following order :-

ORDER:

- a). The Bail Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.244 pf 2022 registered with Badlapur (West) Police Station on furnishing PR bond of Rs.30,000/- with one or two surety in the like amount to the satisfaction of the Trial Court.
- c). The Applicant not to contact any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.
- d). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
6. The Interim Application stands disposed of.

(R.M. JOSHI, J.)