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

**INTERIM APPLICATION NO.4058 OF 2025
IN
CRIMINAL APPEAL NO. 1151 OF 2025**

Darvesh Gendalal Chaure
Aged about : 30 years, Occ: Nil,
R/at- House No.5, Prit Nagar Colony
Near Archana, Gas Chhola,
Tal. & Dist- Bhopal,
State- Madhyapradesh, at present lodged
in Nashik Rd. Central Prison.

... Applicant

V/s.

The State of Maharashtra
Through Sinnar Police Station.

... Respondent

Mr. Aniket Vagal a/w. Ms. Savvy Kolhekar and Ms. Juhi Kadu for
the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

**RESERVED ON : 20th FEBRUARY, 2026
PRONOUNCED ON : 25th FEBRUARY, 2026**

ORDER: [PER- SHYAM C. CHANDAK, J.]

1) By the Judgment and Order dated 17th January 2024, passed
by the learned Additional Sessions Judge, Nashik in Sessions Case No.129
of 2023, the Applicant/Appellant was convicted of the offence under

Section 302 of IPC and sentenced to suffer imprisonment for life and to pay a fine of Rs.10,000/- with default stipulation.

2) Being aggrieved, the Applicant has preferred aforesaid Appeal impugning the said Judgment. The Applicant is in jail since 2nd December 2019. Therefore, he has filed this Application under Section 389 of Cr.P.C. seeking suspension of his sentence and his release on bail pending Appeal.

3) Heard learned Advocate Mr. Vagal for the Applicant and learned APP Mr. Patil for the Respondent-State. Perused record.

4) The prosecution case was that, two days before 21:38 hours of 21st September 2019, the Applicant committed the murder of Rekha Mehra by strangulation in a room where they used to reside together as husband and wife. On completion of investigation the police filed a charge-sheet.

5) To prove the charge, the prosecution examined in all 18 witnesses. Predominantly, the case was based on circumstantial evidence. The learned Judge of the trial court found the said evidence sufficient, cogent and reliable and therefore persuaded to convict the Applicant.

6) Learned Advocate Mr.Vagal vehemently submitted that, there is material inconsistency in the evidence to the last seen. As per the prosecution case, the deceased and the Applicant were last seen together on 20th September 2019. But the evidence of PW-4 indicates that the Applicant was seen in the said premises on 22nd September 2019. Said

inconsistency was not explained by the prosecution. There was considerable gap when the Applicant and Rekha were last seen together and the time when she was found dead in the said room. There is no evidence as to the motive for the crime. Except the 'last seen' circumstance there is no other material against the Applicant. Thus, the circumstantial evidence on record was not sufficient and reliable to convict the Applicant for the offence of murder. Therefore, bail may be granted.

7) In contrast, learned APP Mr. Patil submitted that, there is sufficient evidence against the Applicant that, he has committed murder of Rekha and he then absconded. Therefore, the Applicant was arrested on 2nd December, 2019. Neither the Applicant has explained the homicidal death of Rekha in his custody nor the reason of his absconding immediately after the murder. In short, according to the learned APP there was sufficient and reliable evidence to prove the circumstances leading to conviction of the Applicant. The offence is of serious nature as it was committed against the helpless woman. Therefore the Applicant is not entitled for bail.

8) We have considered these submissions and carefully perused the record.

9) Record indicates that, at the relevant time, the Applicant, Rekha and Rekha's daughter Riya (PW-12), born out of her 1st wedlock, were residing together on rent in room No.3 in the premises owned by Mrs.

Usha Shirsath (PW-6). Kirti Soni (PW-5) and Kishor Badgujar were also residing there on rent in room Nos.1 and 2 respectively.

10) The evidence of Bhagyashree w/o. Kishor Badgujar (PW-4) is that, on 20th September 2019, she was present in her room. At about 09:30 a.m., she had seen Rekha while cleaning the utensils. At about 10:00 a.m., the Applicant had left to drop Riya (PW-12) to school. This evidence is supported by Kirti Soni (PW-5) and Riya (PW-12).

11) A conjoint reading of the evidence of PW-12 and PW-17 indicates that, on 20th September 2019, at about 02:00 p.m., PW-12 had returned to the room from the school. At that time, she found that the room was locked. Therefore, she went to the school and again returned to the room at about 05:00 p.m. However, the room was locked. Therefore, neighbouring tenants took PW-12 to her aunt PW-8 Manju Biliya. On 21st September 2019, PW-8 along with PW-12 went to the said room. At that time also the room was locked. Therefore, the matter was reported to the police. Thereafter, the room was broke open by the police and inspected in the presence of panchas. Dead body of Rekha was lying in the bathroom. There were blood stains on the floor of the room. The Autopsy Report revealed that Rekha was killed by strangulating her neck. Immediately after the murder, the Applicant disappeared and he was absconding for long period of time. Rekha died in the company of the Applicant. However, the

Applicant could not explain her death nor the reason of his absconding.

12) In view of the aforesaid discussion, we are of the opinion that, *prima facie* there is sufficient material against the Applicant showing his involvement in a serious crime, i.e., murder of the helpless woman. Therefore, at this stage, we are not inclined to release him on bail. As a result, the Application fails and is accordingly rejected.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)