

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.226 OF 2026

Karankumar Vinod Gautam	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Veerdhawal Deshmukh a/w Vilasinin Balasubramanian and
Amoghprasad Algire, for the Applicant.
Mr. S.S. Ghag, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 30th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.555 of 2021 dated 10th August, 2021, registered with Mahatma Phule Chowk Police Station, for offence punishable under Sections 302, 364, 379, 201, 34 and 120B of the Indian Penal Code, 1860.

2. In short, the case of the prosecution is that the deceased was working as driver for Uber car. On 1st August, 2021 the deceased called the owner informing that he is going to Dhule as a ride has been booked for the same. Thereafter, the deceased was not heard and went missing. A report came to be lodged by the owner of the car. During the course of investigation, it transpired that on 1st August, 2021, at about 11:00 p.m. the said car has passed through Shivaji Chowk at Kalyan, and Applicant

and co-accused had the said car. The allegation is that they killed the deceased and fled with the car. Although the offence came to be registered in the year 2021, the present Applicant came to be arrested on 23rd June, 2024. Now, the investigation is complete in respect of the present Applicant and supplementary charge-sheet has been filed against him.

3. Learned counsel for the Applicant submits that there is absolutely no evidence on record to indicate involvement of the Applicant in this crime. According to him, the solitary statement of the co-accused recorded under Section 27 of the Evidence Act would not be admissible in evidence. As such except for this there is no material to show his complicity therein. The Applicant claims to have no criminal history behind him.

4. Learned APP opposed the application, citing serious nature of the crime. It is his submission that apart from the statement of co-accused recorded under Section 27 of the Evidence Act, there is evidence in the form of CCTV footage indicating five persons having occupied a car driven by the deceased. It is his submission that the Applicant is not entitled for bail as he was absconding over a period of three years.

5. Irrespective of the fact that the Applicant was arrested immediately or after lapse of time, *prima facie* this Court is required to see as to whether there is any evidence to connect the Applicant with this crime. As rightly argued by learned counsel for the Applicant that the statement of the co-accused except to the extent of discovery of the fact, the same is not admissible in law. As such the said statement involving present Applicant cannot be

relied upon. Though learned APP drew attention of the Court to the Panchanama indicating seizure of the CCTV footage which shows five persons having occupied car with the deceased, there is no further investigation and identification of the Applicant to be one of those five persons. *Prima facie* therefore there is no evidence to connect the Applicant with the crime. The Applicant has no criminal history behind him and he is not likely to flee from justice. Hence, following order.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with CR No.555 of 2021 dated 10th August, 2021, registered with Mahatma Phule Chowk Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.30,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall attend all dates of hearing before the Trial Court, unless exempted.

6. 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.

(R. M. JOSHI, J.)