

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 270 OF 2026**

Rajesh Pundalik Jamadar	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Aniket Vagal *a/w Savvy Kolhekar, for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
PSI – Vijay Pankar, *Shantinagar Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 24th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.1343 of 2024 dated 30th June 2024 registered with the Shantinagar Police Station for the offences punishable under Sections 302 read with 34 of the Indian Penal Code, 1860 (“IPC”).

2. The brief facts of the prosecution case, as gathered from the First Information Report (FIR), are that the Complainant resides with her family. Her brother Raju is also staying with

her and is gainfully employed. Another brother of the Complainant, namely Rakesh Wangunti, is stated to be an autorickshaw driver, residing separately at Sambre Chawl, Sangam Pada Road, Bhiwandi.

3. It is alleged that on 23rd June 2024 at around 6:00 p.m., Raju received a call from Rakesh. Rakesh informed Raju that he had gone to their mother's open plot situated at Ramnagar, Bhiwandi. There, he noticed that the Applicant and his brother, Prabhuling Jamadar, had thrown garbage in the said plot. When Rakesh asked them to remove the garbage, a quarrel took place between them. It is further alleged that during the said quarrel, the Applicant and the co-accused physically assaulted Rakesh with an iron rod. Rakesh disclosed this incident to his brother Raju. Thereafter, Rakesh visited IGM Hospital, received some medicines, and returned to his house.

4. Later, on 29th June 2024 at about 7:00 pm., a girl named Hitanshi Jain called the Complainant and informed that

Rakesh had been admitted to Prajakta Hospital, situated at Chhatrapati Shivaji Chowk, Bhiwandi. The Complainant immediately rushed to the hospital and reached there by 7:30 pm. Rakesh was found admitted in the Intensive Care Unit (ICU). The doctor informed the Complainant that Rakesh had sustained injuries and his condition was serious. The doctor advised that the patient be shifted to Chhatrapati Shivaji Maharaj Hospital, Kalwa. Accordingly, the Complainant arranged for an ambulance to shift Rakesh to Kalwa Hospital. However, Rakesh expired during transit.

5. Thereafter, the Complainant went to the police station and lodged a report alleging that the Applicant and the co-accused were responsible for causing the death of her brother. Based on this report, the present crime was registered and investigation commenced.

6. Mr. Aniket Vagal, learned counsel appearing for the Applicant, submitted that the entire case of the prosecution rests on the dying declaration and some supporting material.

It is contended that even the dying declaration only attributes a common role to the Applicant and the co-accused. Attention is drawn to Clause 17 of the postmortem report, which only notes abrasions and not grievous internal injuries. It is further pointed out that the death occurred nearly six days after the alleged incident, and hence, the causal link between the injury and death may not be direct. It is submitted that the Applicant has been falsely implicated and that he may be granted bail.

7. On the other hand, Ms. Poonam Bhosale, learned APP, opposed the Bail Application. It was submitted that the dying declaration appears to be voluntary, truthful and consistent, and may be sufficient to sustain a conviction, subject to trial. The weapon alleged to have been used—iron rod—has been recovered from the Applicant. It was submitted that the final cause of death is still awaited as the chemical analysis (CA) report is pending. It is further submitted that in view of the seriousness of the offence and the role attributed to the Applicant, no case is made out for grant of bail.

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

9. At the very outset, Mr. Vagal has brought to my notice the order dated 30th June 2025 passed by this Court, enlarging the co-accused on bail. A plain reading of the FIR indicates that both the accused together assaulted the victim. According to the complaint given by the deceased, when he was in an injured condition in the hospital, clearly stated that both the accused together have assaulted him. Notwithstanding that the iron rod was recovered at the behest of the present Applicant and not of the co-accused, the role attributed to both the accused is identical. The injury certificate shows that the Applicant has sustained grievous injuries on account of the assault. Thus, the role attributed to both the accused are identical, save and except that the iron rod was recovered at the behest of the present Applicant.

10. Since the co-accused was enlarged on bail on 30th June 2025 and almost 8 months have been passed since then yet the charges are not framed, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

11. The Applicant is directed to be released on bail in connection with Crime No.1343 of 2024 registered at Shantinagar Police Station, Bhiwandi for offences punishable under Sections 302 read with 34 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- (a) The Applicant shall not tamper with the evidence or attempt to influence any witness.
- (b) The Applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

- (c) The Applicant shall report to the Shantinagar Police Station, Bhiwandi on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
- (d) The Applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- (e) The Applicant shall not indulge in any criminal activity during the pendency of the trial.

12. The Bail Application stands disposed of in the aforesaid terms.

13. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)