

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

BAIL APPLICATION NO.382 OF 2026

Jagdish Kailash Shejav @ Dhananjay Kailash ...**Applicant**
Shinde alias Danny

Versus

State of Maharashtra ...**Respondent**

Mr. Prashant Pandey a/w Pranay Saraf, Dinesh Jadhvani,
Riddhima Mangaonkar, Aniket Mukadam and Silpesh
Kabadi, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

CORAM

RESERVED ON:

PRONOUNCED ON:

DR. NEELA GOKHALE, J.

10TH FEBRUARY 2026

13TH FEBRUARY 2026

JUDGMENT:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 190 of 2012 dated 9th June 2012 registered with the Oshiwara Police Station, for the offences punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code, 1860 ('IPC').

2. Heard Mr. Prashant Pandey, learned counsel for the Applicant and Ms. Megha Bajoria, learned APP representing the State.

3. The short point that arises in the present application is whether in the facts and circumstances of this case, the Applicant deserves to be enlarged on bail, at a stage, when the Addl. Sessions Judge, Gr. Bombay (Trial Court) has completed recording of the statement of the Applicant under Section 313 of the Cr.PC.

4. Mr. Pandey, submitted that the Applicant is in custody since 16th August 2012 and has suffered incarceration of thirteen years, five months and five days, as of date. He submitted that the co-accused has indicated to the Trial Court his intent of examining as many as 9 defense witnesses and as such, the trial is not likely to conclude in the near foreseeable future. Hence, the Applicant deserves to be enlarged on bail on the ground of long incarceration.

5. On merits, Mr. Pandey submitted as under:

- i) That the case of the prosecution is based on circumstantial evidence.

ii) That there are material contradictions in the charge-sheet, which are not corroborated by the witnesses.

iii) That his presence at the spot of the incident is not corroborated by CCTV footage or eye-witness.

iv) That the doctor's testimony as Expert Witness No.6 demonstrates that the doctor is not in a position to state as to whether the death was homicidal or suicidal or accidental.

v) That the prosecution case is silent on the Applicant's complicity in the crime.

vi) That every rule of forensic academia is flouted.

On these grounds, Mr. Pandey prays that the Applicant be enlarged on bail.

6. Per contra, Ms. Bajoria, has brought to my notice certain facts and submissions as under:

i) The trial is practically concluded and the evidence strongly indicates the guilt of the Applicant.

ii) The Applicant has three previous antecedents. He was previously convicted for offence under Section 302 of the IPC in C.R. No.279 of 1999 (Case No.387 of 2000) and was sentenced to life imprisonment. During his imprisonment, he was granted a fourteen day parole on 4th February 2010 and was scheduled to surrender on 18th February 2010. He failed to surrender and remained at large for 767 days. During this period of absconding, the Applicant committed three more heinous offences (murders) and was eventually re-arrested on 23rd June 2012. Later, he was acquitted by this Court in the first case. There are three cases, however pending against him.

iii) The three cases for which the Applicant is prosecuted during the period in which he was absconding are C.R. No.105 of 2012 registered with Oshiwara Police Station; C.R. No.81 of 2012 registered with Amboli Police Station

and C.R. No.190 of 2012 registered with the Oshiwara Police Station.

a) C.R. No.105 of 2012 (Arun Tikku murder case): On 7th April 2012, the Applicant and his associates were seen by the complainant and eye-witnesses attacking a senior citizen with a knife. Evidence was recovered from Kumbharli Ghat, Chiplun.

b) CR No.81 of 2012 (Karan Kakkar murder case): The Applicant made a disclosure statement, pursuant to which, torso and a human head was recovered from Kumbharli Ghat, Ratnagiri. The DNA matched the victim's mother. Similarly, a chopper, sickle, the deceased's silver jewelry, his BMW car and Blackberry phone was recovered from the Applicant's residence in Pune. His fingerprints were also found in the bathroom of the crime scene.

c) The present case: During investigation of case No.603 of 2012, FSL experts have found three distinct DNA profiles from scrapings at the crime scene in the present case. One

profile is unidentified leading to the registration of the present case involving murder of an unknown male. The testimony of the DNA expert from case No.603 of 2012 is adopted in the present case i.e. case No.775 of 2012.

iv) The statement of the Applicant under Section 313 of the Cr.PC was recorded on 30th January 2026.

v) The Applicant is a habitual offender, accused of committing multiple murders while on parole. Given his history of absconding, the present Bail Application be rejected.

7. Having perused the record, it appears that a Co-ordinate Bench of this Court, by order dated 25th August 2025, has rejected his Bail Application No.2141 of 2025 in connection with the present C.R. The Applicant made an application seeking to restore the Bail Application No.2141 of 2025. However, by order dated 18th November 2025, the said application for restoration of bail application was rejected as misconceived, since the same was dismissed on merits.

8. The Applicant then filed another bail application before the Sessions Court, which was rejected by order 19th April 2025. Hence, he is again before this Court for the reliefs as prayed.

9. It is pertinent to note that the order rejecting his bail application on merits was passed on 25th August 2025 by this Court. The same remains unchallenged. Post the said order, the recording of evidence is complete and statement under Section 313 of the Cr.PC is also recorded. Only the defense witnesses summoned by the co-accused remain to be examined. There is no significant change in circumstances insofar as merits in the matter are concerned. In fact, the trial has proceeded towards its conclusion.

10. The Supreme Court in its recent decision in the matter of *X v. State of Rajasthan & Anr.*¹, has observed as under:

“16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial

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commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

11. The trial in the present case is on the threshold of being concluded. Accused No.2 intends to examine a few witnesses. Hence, the trial is likely to conclude within a short period. In these circumstances, considering the stage of trial; the fact that the bail application of the Applicant was rejected by this Court on merits only five months ago; the propensity of the Applicant to abscond, as he earlier did, while on parole; his antecedents; and commission of three offences while on parole, I am not inclined to allow the present Application.

12. As discerned from the FIR, the allegation against the Applicant and the co-accused is that they have murdered one Karan Kakkad and have disposed off his body by chopping the same in small pieces. These body parts were disposed in the Kumbharli Ghat, Chiplun. Pursuant to the disclosure statement made by the co-accused one skull, eighteen human bones, the liquid present in the skull, soil mixed with body parts and a controlled sample of soil were recovered from the said place. The Applicant is alleged to have committed the said offence while on parole in C.R. No.279 of 1999 which was also for offence punishable under Section 302 of the IPC, *albeit*, the Applicant is now acquitted by this Court in that offence. In addition to the reasons stated in paragraph 11 herein above, considering the history of the Applicant of jumping parole and absconding for as many as 767 days, this is not a fit case to grant bail.

13. In view of the aforesaid, Bail Application is rejected.

14. 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)