

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.602 OF 2026**

Rajan @ Dhondu Sitaram Mhasakar	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Deenanath Ramraj Dhiwar, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*
API – Appa Kisve, Kurar village, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 16TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 747 of 2024 dated 20th September, 2024, registered with the Kurar village Police Station, District Brihanmumbai City, for the offences punishable under Sections 118(c), 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**') and Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951. During the treatment of the victim, he died and hence Section 103 has also been applied.

2. The brief facts of the prosecution case, are that the Applicant and the victim were neighbours living in Chaudhari Chawl in Kurar Village, Malad (E), Mumbai. On 28th September, 2024 at 11:00 p.m. there was a quarrel between the Applicant and the victim who were standing outside their houses. It is alleged that the Applicant was shouting in loud a voice and was in an inebriated condition. The victim tried to stop him from shouting as it was disturbing his family and others. The Applicant became furious. A physical and verbal altercation took place between the Applicant and the victim. The Applicant stabbed the victim with a knife in the chest. The victim was taken to the hospital by the neighbours, where he succumbed to his injuries. Hence, the Applicant was arrested on 29th September, 2024, pursuant to registration of the FIR.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Sessions Court, Borivali Division, Dindoshi. However, by order dated 29th May, 2025,

the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. The charge-sheet has not been annexed to the application. Hence, Mr. Sonavane, learned APP has tendered statements of witnesses recorded by the police in the present matter. The statements of witnesses and the post mortem note are taken on record.

5. Mr. Deenanath Dhiwar, learned counsel for the Applicant, submits that the Applicant has not committed the alleged offence. The Applicant and the victim were neighbours and friends. The Applicant, his wife and daughter were also present in the police station at around 12:00 a.m. on 29th September, 2024, immediately after the quarrel, wanting to file a cross-complaint against the victim. He submits that the quarrel took place because the victim was trying to touch his wife. He further submits that the CCTV footage of the police station will reveal his presence in the police station. He

submits that still the Applicant was arrested by the police. He prays that the Applicant be enlarged on bail.

6. Mr. Mayur Sonavane, learned APP, relies upon the statements of the witnesses as well as the statement of injured victim (now deceased who had made complaint). He submits that even the witnesses have narrated the chronology of events as they happened and it is clear that the Applicant has stabbed the victim. He placed reliance on the post mortem report which records the death of the victim as caused by stabbing. He further submits that the Applicant was arrested on 29th September, 2024, and has suffered one year and four months of imprisonment and the maximum sentence prescribed for the alleged offence is life imprisonment. Hence, incarceration of one year and four months cannot be termed as long incarceration. He, therefore, prays that the Bail Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. Admittedly, the statements of witnesses namely, the wife of the victim, neighbours of the Applicant and the victim namely, one Mr. Bike Chandrajeet Chavan, one Mr. Jagdish Ramprakash Varma, one Mr. Gonvind J. Yadav and other such neighbours are also recorded. The said statements are consistent with the story narrated by the victim in his complaint. The post mortem report also indicates the death to be that on account of stabbing. The alleged offence is serious. The Applicant is in custody since 29th September, 2024 and has suffered incarceration of only one year and four months for the gruesome murder of his neighbour. The Investigating Officer has clearly stated that there is no such cross-complaint registered with the police station. In these circumstances, I am not inclined to grant bail to the Applicant.

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

10. 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)