

Navnath Waghmare

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1150 OF 2026

Rohit Suresh Uttekar

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Amit A. Mane for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

Mr. Anil V. Shirole, API, Chitalsar Police Station, Thane.

CORAM: R. M. JOSHI, J.

DATED: 30th APRIL, 2026.

PC:-

1. Applicant seeks bail in connection with C.R. No. 05 of 2024 registered with Chitalsar Police Station, Thane, for the offences punishable under Sections 302, 460, 392 read with 34 of the Indian Penal Code.

2. In short, it is a case of the prosecution that in the intervening night of 03.01.2024 and 04.01.2024 parents of the informant residing at room no. 1426, floor no. 14, of Dosti Empiriya, MMRDA Building No.1, Chitalsar, Thane, they were sleeping in the house and were killed by strangulation. The informant came to the knowledge of the same when he visited

the premises in the morning of 04.01.2024, in connection with crime, applicant and co-accused came to be arrested. On conclusion of the investigation chargesheet has been filed.

3. Learned counsel for the applicant submits that there is absolutely no evidence on record in order to connect present applicant with the crime in question. It is his submission that the CDR indicating presence of the applicant in the building in question is not an incriminating circumstance, as the applicant is a resident of the said building. He argues that there is no evidence in order to show that the applicant has committed murder of the deceased persons. It is his submission that there is no evidence to show that from the residential premises of the applicant, he could have access to the duct and bathroom of the premises wherein the deceased persons were staying. According to him, the alleged recovery of gold ornament is not attributable to the crime in question. He submits that the statements of witnesses as well as the recoveries done during the course of the investigation are not sufficient to show complicity of the applicant in the crime. It is his submission

that in view of the fact that there is no evidence to show involvement of the applicant in the crime. Hence, he is entitled for bail. Learned counsel for the applicant also submits that the spot panchnama indicates that gold ornaments were found in the cupboard which was in an open condition and this according to him, rules out the possibility of the murder having been committed for the reason of theft.

4. Learned APP opposed the application by submitting that this is a case of double murder and circumstantial evidence indicate complicity of the applicant in the crime. It is further submitted that there is absolutely no other reason which has come forward for the purpose of homicidal deaths of the parents of the informant. It is submitted that the gold ornaments which were seized from the applicant are duly identified by the informant to be the ornaments of deceased lady i.e. mother of the informant. It is his submission that in case of circumstantial evidence, the circumstances as their case on record are sufficient to connect applicant with the crime. Having regard to the nature of evidence, he seeks

rejection of the bail.

5. No doubt, the two victims in the instant case have died homicidal death and post-mortem report of the deceased confirms the said fact. There is absolutely no other material on record to indicate any other reason for commission of their murder than theft of the ornaments. *Prima-facie* there is evidence on record to show that there is seizure of bangles, may be made of spurious gold. However, the same has been identified by the applicant to be the bangles of the deceased-mother. It is not necessary that the stolen article is found to be ornaments of pure gold as the possibility of thieves having no knowledge about is not being gold ornament exist. There is material i.e. ornaments belonging to the deceased was found in the custody/possession of the applicant. This is clear circumstance in order to show his involvement in the crime. Moreover, there are statements of witnesses which indicate that on the next date of the murder of the deceased, the applicant took the ornaments to his friends and ultimately to the jeweller for its sale. Merely because the ornaments sold

were melted, that will not absolve the applicant from the liability of having committed theft of the said ornaments and sold them to the jewellers.

6. This is a case of involving circumstantial evidence. The circumstance of finding of ornaments of the deceased with the applicant is a strong circumstance against him. Merely because at the time of lodging of the report it was not mentioned by the informant about the said ornaments would not make First Information Report false or subsequent seizure of the ornaments on the applicant can be discarded. Though it is sought to be argued on behalf of the applicant that in the open cupboard gold ornaments were found and therefore the possibility of commission of the murder for theft of the ornaments is ruled out does not deserve acceptance. This *prima-facie* finding is inevitable in view of the fact that those ornaments were found in the cupboard, they were found in a box kept in the clothes, the possibility of the thieves not knowing about the said box is not ruled out. It is more than enough at this stage for the prosecution to show that the

ornaments on the person of the deceased were seized at the instance of the applicant.

7. Thus this is not the case of absence of any evidence against the applicant. The circumstances appearing on record are sufficient to connect him with the serious crime like murder.

8. Applicant therefore has failed to make out any case, hence, application for bail is rejected.

(R. M. JOSHI, J.)