Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3921 OF 2026

Gurunath Eknath Patil .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Ms. Pooja Agarwal a/w Mr. Prakash Chawan, Advocates for Applicant.
- Mr. Amit Palkar, APP for Respondent.

SHARADA RANGNATH WAHULE
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Ms. Agarwal , learned Advocate for Applicant and Mr. Palkar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.189 of 2025 registered with Kamshet Police Station for offences punishable under Sections 103(1), 238, 140(1), 324(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The Applicant has been arraigned as an accused and arrested in the present crime, which is based on circumstantial evidence. The incident occurred on the highway near Kini Toll Naka. The Applicant was coincidentally travelling through the same place at around 2:41 a.m. on the relevant day, and he was subsequently arrested in connection with the present crime.

4. There is a discrepancy regarding the time of the Applicant's arrest and his production before the Magistrate within 24 hours. A prima facie perusal of the material placed on record indicates a possible violation of the constitutional safeguards guaranteed under Article 22(2) of the Constitution of India.

5. It is further stated that the relevant column in the arrest form was left blank at the time of the Applicant's arrest. A copy of the said document is annexed at page 69. The FIR was registered more than 10 hours after the Applicant was taken into custody, as reflected in the police record. The body of the deceased was found following an accident that had occurred on the highway near Kamshet, Lonawala.

6. The circumstantial evidence relied upon by the prosecution is primarily based on the theory of last seen together. The charge has not yet been framed.

7. Considering the aforesaid circumstances and the material placed on record, the Applicant is entitled to be released on bail. The question of the Applicant's complicity in the crime shall be determined during the trial in accordance with law.

8. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No. 189 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed

of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

9. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]