



Order below Exh.07 in Sessions Case No.26/2026

(State Vs. Mahadev @ Shiv)

The present application is preferred by applicant / accused No.1 under Sections 480 read with 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking his release on regular bail in connection with Crime No.12 of 2026 registered with Revdanda Police Station for the offences punishable under Sections 103(1), 311, 331(7) and 3(5) of the Bharatiya Nyaya Sanhita.

02. I have heard Shri.A.S.Bangera, learned Advocate for the applicant, Shri.S.S.Pawar, learned DGP for the State, the learned Advocate Smt.Mansi Mhatre appearing for the original informant and have carefully perused the charge-sheet and the entire material placed on record.

03. The prosecution case, in brief, is that deceased Manda Pramod Mhatre was residing alone at her maternal house situated at Tekalkar Ali, Chaul. Her husband used to stay at Gunjis on account of his employment and used to visit her during holidays. On 28.01.2026, when the informant reached the house in the evening, he found the main door closed from inside. Upon entering through the rear door, he found his wife lying dead on the kitchen floor with ligature marks around her neck and injuries on her ear. Her mangalsutra and gold earrings were found missing. On the basis of the First Information Report lodged by him, the present crime came to be registered.

04. During investigation, the prosecution alleges that the applicant, who is the son-in-law of the deceased, had matrimonial disputes with his wife Sanidhya, daughter of the deceased. According to the prosecution, the applicant blamed the deceased for encouraging his wife to leave the matrimonial home and for initiating matrimonial proceedings. It is alleged that the applicant, along with the co-accused and a child in conflict with law, stayed near the place of occurrence before the incident, trespassed into the house of the deceased, strangled her to death and removed her gold ornaments. The prosecution further claims that the stolen ornaments were recovered at the instance of the present applicant pursuant to his disclosure statement. Investigation has been completed and charge-sheet has been filed.

05. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. It is argued that the prosecution case rests entirely upon circumstantial evidence and that there is no direct eyewitness connecting the applicant with the commission of the offence. It is submitted that the applicant has remained in custody since 01.02.2026, investigation is complete, custodial interrogation is no longer necessary and there are no criminal antecedents against him. Reliance has been placed upon the decision of the Hon'ble Supreme Court in *Balkrishna Tukaram Angre v. State of Maharashtra*, wherein bail was granted in a case resting on circumstantial evidence after completion of investigation.

06. Per contra, the learned DGP opposed the application. It is submitted that the prosecution has collected substantial

material constituting a complete prima facie chain of circumstances. According to the prosecution, the applicant had a strong motive arising out of matrimonial discord, had repeatedly threatened the deceased and her family, and thereafter conspired with the co-accused to commit the offence. It is further submitted that the recovery of the stolen ornaments at the instance of the applicant constitutes a highly incriminating circumstance. The learned DGP also submitted that the principal prosecution witnesses are close family members of the applicant and there exists a genuine apprehension that, if released on bail, he may influence or intimidate them.

07. The original informant and the daughter of the deceased have also filed affidavits opposing the application. They have reiterated the prosecution allegations and expressed apprehension that release of the applicant may expose them to threats and undue influence.

08. I have carefully considered the rival submissions. The applicant has remained in custody since 01.02.2026. Investigation has been completed and the charge - sheet has already been filed. Therefore, further custodial interrogation of the applicant is not required. However, completion of investigation by itself does not entitle an accused to be enlarged on bail. The Court is required to examine the nature and gravity of the accusation, the prima facie material collected during investigation, the possibility of the accused influencing witnesses or obstructing the course of justice, and the overall interests of a fair trial.

09. It is true that the present prosecution is founded on circumstantial evidence. Equally settled is the principle that merely because the prosecution case rests on circumstantial evidence, the accused does not become entitled to bail as a matter of course. What is required to be examined is whether the circumstances collected during investigation disclose a prima facie chain connecting the accused with the commission of the offence. At this stage, the Court is not expected to undertake a meticulous appreciation of the evidentiary value of each circumstance, as that exercise falls exclusively within the domain of the trial.

10. Prima facie, the prosecution has collected material suggesting a motive for the crime. The investigation indicates that serious matrimonial disputes had arisen between the applicant and his wife Sanidhya. According to the prosecution, the applicant believed that the deceased had instigated his wife to leave the matrimonial home and to initiate matrimonial proceedings. Statements recorded during investigation also prima facie indicate that the applicant had allegedly extended threats to the deceased and her family prior to the occurrence. Whether those allegations are ultimately proved is a matter for trial. Nevertheless, at this stage they constitute relevant circumstances.

11. The prosecution has also relied upon technical evidence and other investigation material to show the presence of the applicant and the co-accused near the place of occurrence immediately before the incident. More importantly, the prosecution claims recovery of the stolen gold ornaments

belonging to the deceased pursuant to the disclosure statement of the present applicant. Without expressing any opinion on the admissibility or evidentiary value of such recovery, it cannot be ignored that this circumstance constitutes one of the principal links relied upon by the prosecution. At the stage of consideration of bail, the Court cannot undertake a detailed scrutiny of the legality or reliability of such recovery.

12. Another significant circumstance is that the principal prosecution witnesses include the daughter of the deceased, who is also the wife of the applicant, and the husband of the deceased, who is the first informant. Their relationship with the applicant is undisputed. Having regard to the nature of the allegations and the relationship between the parties, the apprehension expressed by the prosecution regarding the possibility of the applicant influencing or intimidating material witnesses cannot, at this stage, be said to be wholly unfounded.

13. The absence of criminal antecedents in favour of the applicant is undoubtedly a relevant circumstance. However, that circumstance alone cannot outweigh the gravity of the accusation and the prima facie material collected during investigation. Likewise, the judgment relied upon by the learned counsel for the applicant in *Balkrishna Tukaram Angre* turned upon its own facts. It does not lay down an absolute proposition that bail must invariably be granted in every murder case based upon circumstantial evidence after filing of the charge-sheet. Each case necessarily depends upon its own factual matrix and the strength of the prima facie circumstances collected during investigation.

14. Having regard to the nature of the accusation, the prima facie material collected during investigation indicating motive, the alleged recovery of the stolen ornaments at the instance of the applicant, the technical evidence relied upon by the prosecution, and the reasonable apprehension regarding influence over material witnesses, this Court is of the considered opinion that the applicant has not made out a case for grant of regular bail at this stage.

15. It is clarified that the observations made herein are confined solely to the adjudication of the present bail application. They shall not be construed as an expression on the merits of the prosecution case or the defence, and the learned Trial Court shall decide the case independently on the basis of the evidence adduced before it. Hence, the following order.

ORDER

1. The application for regular bail preferred by applicant / accused No.1 Mahadev @ Shiv Radhakisan Dhobale is rejected.
2. The observations made in this order are confined to the adjudication of the present bail application and shall not influence the trial on merits.
3. Order accordingly.
4. Intimate the order to jail superintendent forthwith

Alibag,

Date:- 02/07/2026.

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.