



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (CRL.) NO. 9754 OF 2026

RAJENDRA PRASAD

... PETITIONER

VS.

STATE OF GOA & ANR.

... RESPONDENTS

ORDER

DIPANKAR DATTA, J.

- 1.** The High Court of Judicature at Bombay at Goa¹, by the impugned order dated 08th April, 2026², has rejected the petitioner's second application for bail.
- 2.** In connection with investigation of FIR No. 90 of 2023 dated 28th August, 2023, registered at Old Goa Police Station, District North Goa under Sections 302 and 201 of the Indian Penal Code, 1860³ against unknown accused person(s), the petitioner was identified as an accused and arrested on 29th August, 2023. Upon completion of

¹ High Court

² Criminal Application (Bail) No. 988 of 2025 (F)

³ IPC

investigation, he was arraigned as Accused No. 1 in the chargesheet which came to be filed on 23rd November, 2023. In due course, the case was committed to the Sessions Court for trial. Petitioner is presently facing trial in Sessions Case (302) No. 11 of 2023, for offences under Sections 342, 302, and 201 read with Section 120-B, IPC, before the District and Sessions Court, Mercas, Tiswadi, North Goa.

- 3.** According to the prosecution, owing to a pre-existing family/property dispute at their native village in Gorakhpur, Uttar Pradesh, the petitioner, along with the co-accused persons, allegedly hatched a conspiracy to eliminate the victim, Chandrika @ Gabbar Sahani. It is the case of the prosecution that on 23rd August, 2023, the petitioner deceitfully lured the victim to his rented residence in Porvorim, Goa, under the pretext of providing painting work. Thereafter, the petitioner and Ranajit Prasad⁴ wrongfully confined the victim in a room and brutally assaulted him with a wooden stick (danda). Subsequently, joined by Akhilesh Kumar Sahani⁵ and Rajkumar Prasad⁶, the accused persons tied the unconscious victim to a heavy stone using an orange-coloured nylon rope and iron hooks, transported the body in a Maruti Swift car, and disposed it of in the Gaundalim river.

⁴ Accused No. 2

⁵ Accused No. 3

⁶ Accused No. 4

4. Ms. Menaka Guruswamy, learned senior counsel appearing on behalf of the petitioner, has strenuously contended that the petitioner is entitled to be enlarged on bail on the ground of parity, inasmuch as the prosecution's own chargesheet and counter-affidavit attribute a similar and indistinguishable role to all four accused; not only that, the High Court, *vide* orders dated 02nd September, 2024 and 08th April, 2026, has already granted bail to the co-accused, namely, Accused No. 3 and Accused No. 4, respectively. The prayer for parity is further buttressed by the submissions that there is no *prima facie* material against the petitioner; that there are inherent inconsistencies in the prosecution's narrative; and that the petitioner has suffered prolonged incarceration of nearly three years without any substantial progress in the trial.
5. *Per contra*, it has been submitted by Mr. Abhay Anturkar, learned counsel appearing on behalf of the respondent-State, that the present case involves a premeditated grave offence, and that the material collected during the investigation *prima facie* discloses the petitioner's active role in the alleged murder. More importantly, the ground of parity is unavailable to the petitioner as his role is demonstrably distinct and more specific than that of the co-accused who have been enlarged on bail. Further, since the trial is underway, he has strongly contended that the petitioner's release at this stage carries a risk of prejudice to the fair conduct of the proceedings, particularly in view of

the concerns raised regarding the testimonies of certain material witnesses, who are known to the petitioner.

6. We have heard learned counsel for the parties.
7. Trial is in progress. Evidence of only one of the sixty-two witnesses whom the prosecution proposes to examine to drive home the charges against the petitioner and the co-accused has been recorded.
8. Having carefully perused the materials on record, we are unable to accept the submissions advanced on behalf of the petitioner.
9. It is trite that grant of bail to one accused does not, *ipso facto*, constitute a ground for granting bail to another accused. Parity is not a mechanical mathematical formula; it must be assessed based on the specific role attributed to each accused in the factual matrix.
10. Considering the *dicta* in **Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana**⁷, **Sagar v. State of U.P.**⁸ and **Rekha Sengar v. State of M.P.**⁹, in the light of the facts and circumstances of this case, we are unable to hold that the petitioner can claim an order for grant of bail on the ground of parity.
11. *Prima facie*, the material on record reveals the prosecution case that the petitioner, with requisite intention, was the principal architect of the plan to eliminate the victim, and with the help of the other accused (two currently on bail and one still in custody) acted as facilitators in

⁷ (2021) 6 SCC 230

⁸ 2025 SCC OnLine SC 2584

⁹ (2021) 3 SCC 729

giving effect to that design. Petitioner's specific role stands out and cannot be ignored. Lest the case of either party is prejudiced, we refrain from delving deep into the matter and making further observations at this stage. The specific submission based on parity is, therefore, considered and rejected.

12. Further, the contention raised by Ms. Guruswamy (that the petitioner has suffered prolonged incarceration of nearly three years without any substantial progress in the trial) has not impressed us. The investigation in this case was completed within three months of the FIR's registration. It has, indeed, been less than three years since the petitioner's liberty has been curtailed, but one cannot lose sight of the fact that the trial has commenced. The mere fact of the petitioner having been incarcerated for nearly three years or the likelihood of the trial not concluding within a reasonable period would not by itself entitle him to be released on bail, given the gravity of the offence alleged and the possibility of the witnesses being influenced and the evidence being tampered with.

13. Nevertheless, we are not oblivious of the petitioner's right to a speedy trial. Having taken note of the concerns expressed by the respondent-State that since the prosecution case rests on circumstantial evidence and having regard to the fact that testimonies of the vulnerable employee-witnesses and associates are highly sensitive and crucial, which need to be recorded without any taint, we encourage the

relevant Sessions Court to make sincere endeavour to have the testimony of the following eight sensitive witnesses recorded, out of turn, i.e., PW-25 Sonu Sahani, PW-26 Biju Sahani, PW-29 Amarnath Maurya, PW-30 Shriram Tharu, PW-33 Santu Singh, PW-34 Ganesh Tharu, PW-36 Sahil Shinde and PW-38 Mahabaleshwar Gouda, within a year from the date of communication of this order. This observation need not, however, be understood as requiring the Sessions Court not to record the testimony of any other witness in the meantime. It shall be open to the Sessions Court to regulate its own business as it deems fit and proper in the circumstances.

- 14.** Should recording of the aforesaid eight witnesses be complete even before the stipulated period of a year ends or be not completed within such period, the petitioner shall be at liberty to approach the appropriate forum afresh for consideration of his prayer for grant of bail. Liberty granted hereby to the petitioner will, however, be subject to the condition that he cooperates with the Sessions Court and any delay in recording of the evidence of the aforesaid witnesses is not due to cause(s) attributable to him.
- 15.** We clarify that any observation on facts has been made solely for the purpose of deciding the present special leave petition. The same shall not be construed as findings on the merits of the case before the Sessions Court.

- 16.** The special leave petition stands disposed of on the above terms.
Pending application(s), if any, shall also stand disposed of.

.....J.

DIPANKAR DATTA

.....J.

SHEEL NAGU

**NEW DELHI;
AUGUST 18, 2026.**