



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1108 OF 2025

RAJKUMAR KRUSHNA KURE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Ms. Sayali S. Tekale (Appointed)
APP for Respondents-State : Mr. C. V. Bhadane

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 26.05.2024 bearing Crime No. 186 of 2024 registered with Deoni Police Station, Dist. Latur for the offences punishable under Sections 302, 498-A, 323 and 504 of the Indian Penal Code.

2. The prosecution case is that, following a domestic dispute with the applicant, the wife of applicant (deceased) began residing at her parental home. On 11.05.2024, the applicant visited her there, promising to abstain from alcohol and cohabit peacefully. Although the parents of the deceased initially did not accede to the request, the accused returned on 18.05.2024 and successfully

persuaded them. Consequently, the deceased and her children accompanied the accused to matrimonial home. After receiving medical treatment in Latur to the deceased, the family returned to Kanegaon village on 25.05.2024.

3. The prosecution further alleges that, on 25.05.2024, at approximately 7:15 PM, the informant was informed on telephone that his sister, the deceased, had died due to an apparent electric shock. Upon arriving at the scene with relatives, the informant noted multiple physical injuries, specifically on the deceased's head, both elbows, the right wrist and both thighs. The subsequent post-mortem report confirmed that the cause of death was a grievous head injury, rather than electrocution. Consequently, the informant lodged a report against the applicant under Sections 302, 498-A, 323, and 504 of the I.P.C.

4. The learned counsel for the applicant submits that, the FIR is false, frivolous and lodged solely to harass the applicant. It is further submitted that, the applicant has not committed the alleged offence. Since the investigation is complete and the charge-sheet has already been filed, no recovery or discovery remains to be made at the instance of the applicant. Consequently, the further

incarceration of the applicant is no longer warranted. As such, prayed to allow the application.

5. The learned APP has submitted that, the prosecution has cited a total of 22 witnesses to prove its case. It is further contended that, the Investigating Officer has seized various incriminating articles from the spot, and the offence is of a grave and serious nature. The prosecution maintains that there is sufficient overwhelming material on record to establish the applicant's complicity in the crime. Furthermore, there is a strong apprehension that if the applicant is enlarged on bail, he may tamper with the prosecution evidence or influence the witnesses. Consequently, the learned APP prayed for the rejection of the application.

6. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

"11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

7. Similarly, the Hon'ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

8. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**,

has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

9. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present applicant.

10. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that, the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

11. The Hon'ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should

not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

12. In the present case, the contents of FIR, statements of witnesses disclose the fact that there was ill-treatment to the deceased at the hands of accused. In pursuance to the said allegation, perusal of postmortem report discloses injuries on the body of deceased and the cause of death as 'head injury'. The material placed on record shows that, the accused is habitual of consuming liquor and the conduct of the applicant while leaving the place of incident as stated by the witnesses Gangabai and minor son Shaurya. In my considered view, the prosecution has prima facie sufficiently established the complicity of the present applicant in the crime.

13. The Hon'ble Apex Court in case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail. In the present case, the trial is progressing and further the prosecution has demonstrated the efforts to conclude the trial. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

14. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offenses, such as pre-meditated murder, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

15. To secure bail, the applicant must establish that the evidence collected and intended to be presented by the prosecution fails to establish a prima facie case of the applicant's involvement in or commission of the alleged offence. Since this necessary aspect has not been satisfied by the applicant, the applicant is presently disentitled to claim the bail.

16. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is **rejected**.

17. The High Court Legal Services Sub-Committee, Aurangabad, to pay the fees to the learned counsel appointed on behalf of applicant, as per rules.

18. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi