



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 1436 OF 2025**

JAGTARSINGH ALIAS SODHI JAGIRSING SHERGIR  
VERSUS  
THE STATE OF MAHARASHTRA

\*\*\*

Advocate for Applicant : Mr. Chaitanya C. Deshpande  
APP for Respondents-State : Mr. P. P. Dawalkar

\*\*\*

**CORAM : SACHIN S. DESHMUKH, J.**  
**Date : 27<sup>th</sup> January, 2026**

**ORDER :-**

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 02.09.2022 bearing Crime No. 508 of 2022 registered with Dhule City Police Station for the offences punishable under Sections 302, 364, 397, 201, 120-B read with 34 of the Indian Penal Code.

2. The case of the prosecution is that the deceased Deepak was the husband of the informant Vaneeta. The couple resided at Chittod Road, Dhule. Deepak owned a Swift Dezire car (No. MH-18/BC-5967) which operated as a commercial vehicle for hire.

3. It is alleged by the prosecution that on 28.08.2022, the accused persons were staying at Suyog Lodge, Dhule with the intention of traveling to Bhopal, Madhya Pradesh. On 28.08.2022, approximately at 07.00 pm, the accused hired Deepak's car for their journey to Bhopal. Deepak departed from Dhule that night accompanied by the accused. Although Vaneeta remained in contact with Deepak via mobile phone, the mobile was found to be switched off on the morning on 29.08.2022. When Deepak failed to return home, Vaneeta lodged a missing person report at the Dhule City Police Station on 29.08.2022.

4. It is further alleged that on the morning of 30.08.2022, Deepak's body was discovered in a field within the jurisdiction of the Shikarpura Police Station, Madhya Pradesh. Vaneeta and her relatives identified the deceased, noting a visible head injury. It was observed that Deepak's personal valuables and his vehicle were missing. Realizing that the accused had robbed and murdered Deepak before fleeing with his car, Vaneeta filed a complaint at the Dhule City Police Station, leading to the registration of the crime.

5. It is further alleged that on 05.09.2022, the police team from Sardar City Police Station, Dist. Churu, Rajasthan, intercepted

the applicants/accused. They were found in possession of the deceased's car, along with an assortment of weapons, including a pistol, magazines, swords, and wooden rods. Following a full investigation, the police filed a charge-sheet.

6. The learned counsel for applicant submits that the the entire case of the prosecution is based on circumstantial evidence. There are no eye-witnesses to the alleged incident that occurred between 28.08.2022 and 30.08.2022. The chain of circumstances is incomplete, and the mere fact that the accused were the last seen with the deceased does not, by itself, establish the involvement in the alleged crime. The investigation is complete and the charge-sheet is also filed. As such, further incarceration of the applicant is unjustified. It is further submitted that the applicant is an innocent person and falsely implicated in the case. Hence, prayed to allow the application.

7. The learned APP has submitted that the accused persons are charged with murder and robbery, which are grave and non-bailable offences carrying a potential sentence of death or life imprisonment. The prosecution case suggests a calculated, cold-blooded murder. The accused stayed at a lodge with the specific

intent of hiring and then robbing a commercial vehicle driver, indicating a high degree of criminal culpability. As such, considering the gravity of offence, prayed for rejection of the application.

8. 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.)*

9. 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.

10. Equally, 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.

11. Moreover, 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.

12. 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.

13. 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 offense.

14. In the present case, the accused are charged with the most heinous of crimes, premeditated murder and armed robbery. The nature of the offence involves the cold-blooded killing of driver for the purpose of stealing his vehicle. Prima facie, there is a direct and uninterrupted link connecting the accused to the crime. The deceased Deepak, was last seen alive in the company of the accused at approximately 07:00 pm on 28.08.2022 when they hired his vehicle. The proximity in time between the hiring of the

car and the discovery of the body on 30.08.2022.

15. Apart from the aforesaid aspect, the accused were caught in possession of the deceased's vehicle (MH-18/BC-5967) in Rajasthan. The recovery of the very car mentioned in the FIR, along with a lethal arsenal including a pistol, magazines, and swords, directly implicates the accused in the robbery and the violent act.

16. 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, considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

17. Considering the material available, a clear prima facie case is made out showing the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offences, 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.

18. The offence is of murder, carrying the highest degree of punishment under the law. Considering the gravity of offence and the conduct of the accused, the bail application does not warrant consideration.

19. 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**.

**(SACHIN S. DESHMUKH, J.)**

*Omkar Joshi*