



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

BAIL APPLICATION NO. 1612 OF 2025

GOVIND SURESH DHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rakesh C. Bramhankar
(Appointed Through Legal Aid)
APP for Respondent : Mr. P. P. Dawalkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 06-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.579 of 2019 dated 29.06.2019 registered with Parner Police Station, for the offences punishable under Sections 302 and 506 of the Indian Penal Code. In the said crime, the applicant is arrested on 29.06.2019.

2. The prosecution case is that that the applicant frequently harassed the deceased and proposed marriage, which she consistently refused. On 28.06.2019, the complainant was informed by the victim's maternal cousin that the applicant had assaulted the victim with a knife, inflicting wounds to her chest, right hand, and stomach before fleeing the scene. Although the victim was rushed to the Government Hospital, she was pronounced dead upon arrival. Driven by resentment over the rejected proposal, the applicant repeatedly harassed the victim

and ultimately committed the fatal assault on 28.06.2019. Consequently, the report is filed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, noting the conspicuous absence of any prior police complaints regarding the alleged harassment and pointing out material inconsistencies in the witnesses' accounts regarding the timing of the assault.

4. It is further contended that the applicant's arrest is based merely on surmises and conjectures, and the role attributed to him fails to attract the provisions of the alleged offense. The investigation is complete and the chargesheet has been filed, the applicant's custodial interrogation is no longer required. The applicant has been incarcerated for nearly six years since his arrest; yet, despite the trial reaching the evidence stage, there has been no significant progress. As the applicant is a permanent resident and the trial is unlikely to conclude in the near future, it is prayed that the applicant may be released on bail subject to reasonable conditions imposed by this Hon'ble Court.

5. Per contra, the learned APP strongly opposed the application, citing the gravity of the offense and the heinous nature of the crime. It is submitted that the applicant assaulted the deceased with a knife, inflicting multiple blows which resulted in her death. The learned APP further highlights that there is sufficient

incriminating material on record, including the recovery of the murder weapon and the statements of multiple eyewitnesses, to establish the applicant's complicity. Given the seriousness of the crime and the strength of the evidence, the prosecution prays for the rejection of the bail application.

6. Having heard the submissions from both the sides and upon considering the material on record including chargesheet, it is evident that a strong *prima facie* case exists against the applicant. The medical evidence, particularly the postmortem report, corroborates the prosecution's narration that the deceased succumbed to grievous injuries inflicted by a sharp weapon.

7. The direct testimony of eyewitnesses Rani Makar and Savita Dalvi, recorded under Sections 162 and 164 of the Cr.P.C., specifically implicates the applicant in the fatal assault. Furthermore, the Chemical Analyzer's report establishes a formidable forensic link, confirming that the blood group found on the applicant's seized clothing *vis-a-vis* the recovered weapon matches that of the deceased.

8. The Honourable Apex Court, in the 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 Honourable Apex Court, in the 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. The Honourable Apex Court, in the 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. Equally, the Hon’ble Apex Court, in the 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.

12. The Honourable Apex Court, in the 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 offense is of an exceptionally grave and serious nature, carrying a potential sentence of life imprisonment or death. Since the applicant resides in the same vicinity as the witnesses, there is a legitimate apprehension of witness tampering or interference with the administration of justice if released at this stage. Although the applicant has been in custody for a considerable period, the compelling nature of the evidence and the severity of the punishment outweigh the grounds for bail. The mere filing of a chargesheet does not entitle the applicant to bail when the material on record points toward a *prima facie* high probability of his involvement in a heinous crime.

14. As the charges have already been framed and the trial is poised to commence, this Court finds no merit in the present application. Considering the gravity of the offense, the strength of

the forensic and ocular evidence, and the potential risk to the prosecution's case, this Court is not inclined to exercise its discretion in favor of the applicant.

15. Consequently, the bail application is hereby rejected.

16. The Secretary, High Court Legal Services Sub-Committee, Aurangabad to pay the fees of the appointed counsel for the applicant, in accordance with the rules.

17. 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]
JUDGE

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