



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1690 OF 2025

ANIKET VISHNU MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Senior Counsel Mr. Rajendra Deshmukh
a/w Ms. Rakshanda Jaiswal i/b Mr. Abhijeet Avhad
APP for Respondents-State : Mr. B. B. Bhise
Applicant in Cri.Appln. : Mr. K. N. Shermale (Assist to PP)

WITH
CRIMINAL APPLICATION NO. 4726 OF 2025
IN BA/1690/2025

CORAM : SACHIN S. DESHMUKH, J.
Date : 8th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 13.12.2024 bearing Crime No. 489 of 2024 registered with Shivaji Nagar Police Station, Latur for the offences punishable under Sections 103(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution's case is that the informant's son, Balu (deceased), was employed as a Security Guard at the Icon Superficiality Hospital, Latur, which belongs to accused No.1, Dr.

Pramod. It is alleged that accused Dr. Pramod had kidnapped and assaulted the contractor responsible for the hospital's elevator installation. Subsequently, Dr. Pramod then induced deceased to take his place in the crime, assuring deceased that if he stood in as the accused, he would remain on the payroll and receive his salary without performing any work.

3. The prosecution further alleges that on 11.12.2024, the informant was informed by her husband, Bharat, that her son Balu, had been admitted to Dr. Pramod's hospital in critical condition. Upon arrival, Bharat found that Balu had passed away, with visible injury marks across his body. Although accused No. 1, Dr. Pramod, asserted that the victim had sought treatment independently after a road accident, he subsequently refused the family's demands for the hospital's CCTV footage. These circumstances, particularly the refusal to share surveillance data, caused the informant and her family to suspect the accused's involvement in the death of Balu.

4. It is further alleged that Gajanan, a security guard stationed at Dr. Pramod's hospital, provided the informant with an eyewitness account of the incident. It is alleged that the deceased, Balu, arrived at the premises on his scooter while under the influence of alcohol. He reportedly sought out Dr. Pramod at his

6th floor residence to demand payment. While Balu was seen descending from the 6th floor approximately one hour later, he soon returned to the same floor. Notably, it is alleged that Gajanan accompanied the victim to the 6th floor upon the specific instructions of accused No. 1, Dr. Pramod.

5. It is further alleged that during the dispute, Dr. Pramod slapped Balu and forcibly moved the victim, Balu, to the server room. Personnel associated with the accused Dr. Pramod, as well as the applicant Aniket (Dr. Pramod's nephew), joined them. A collective assault commenced within the room while the victim was alarming for help. Gajanan was instructed by Dr. Pramod to go downstairs. Subsequently, Dr. Pramod summoned Gajanan to retrieve a stretcher. As per these directives, Gajanan and others shifted the unconscious Balu into the hospital's ICU, where both Dr. Pramod and the applicant Aniket reportedly administered medical treatment.

6. The prosecution further alleges that the applicant descended from the upper floor and used a stick to even damage the victim's scooter, specifically destroying the indicator and front mudguard, and defacing the number plate. It is the case of the prosecution that accused No. 1, Dr. Pramod, and applicant Aniket,

aided by other staff members, subjected the victim to a fatal assault. Consequent to the FIR lodged by the informant and the conclusion of the investigation, the applicant, along with the other co-accused, was taken into custody.

7. In the aforesaid backdrop, the learned Senior counsel for the applicant contends that the applicant has been falsely implicated in the offence, since he is related to accused Dr.Promod. It is further submitted that the applicant voluntarily surrendered to the police on 25.12.2024 and has since been in judicial custody. The counsel further submits that there is no active role played by the present applicant and there is no direct evidence to show the the applicant's complicity in the crime. Given that the investigation is complete and the charge-sheet has been filed, continued incarceration is unjustified. The counsel asserts that the applicant is an innocent person and hence, prayed to release the applicant on bail.

8. The learned APP submits that the prosecution has cited material witnesses. It is further submitted that the Investigating Officer has seized various articles from the spot and there is substantial evidence against the present applicant indicating the complicity of the applicant. The offence is serious in nature. If the

applicant is enlarged on bail, there is every possibility of tampering with the prosecution witnesses. Hence, prayed to reject the application.

9. 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.)

10. 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.

11. 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, *prima facie*, collected overwhelming evidence against the present applicant.

12. 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.

13. 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.

14. 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.

15. Upon a perusal of the record, *prima facie*, it is evident that the applicant, acting in concert with co-accused Dr. Pramod, was actively involved in the alleged offence, a fact substantiated by the available witness statements specifically Gajanan. The applicant was actively accompanied with accused Dr. Pramod from the time when the deceased was taken to the 6th floor and even after assault, the applicant shifted the deceased to ICU and threatened the staff, not to disclose the incident under any eventuality. Furthermore, there is *prima facie* evidence to indicate that the applicant intentionally vandalized the scooter used by the deceased.

16. By damaging the vehicle, the applicant purportedly attempted to fabricate a narrative that the deceased arrived at the hospital following a vehicular accident, thereby seeking to disguise

a homicidal act as a road mishap. The applicant's direct participation in the assault, coupled with his subsequent actions to destroy evidence including CCTV footage, and mislead the investigation, clearly indicates a common intention to commit the crime.

17. 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 actively progressing, and the prosecution has demonstrated its commitment to concluding proceedings expeditiously. Given the seriousness of the offences charged, the extensive material evidence presented weighs overwhelmingly against the applicant

18. Considering the material on record, a clear prima facie case has been established regarding the applicant's involvement. It is evident that the offense was a premeditated act, followed by an active attempt to manipulate the narrative by disguising the incident as an accident. Given this conduct, there is a significant likelihood that the applicant will attempt to tamper with witnesses if released on bail.

19. The Hon'ble Apex Court has consistently reiterated, when dealing with serious offenses such as premeditated murder,

the court must prioritize the nature of the charges and the weight of the evidence.

20. 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, as such, request of the applicant to be enlarged on bail does not warrant consideration.

21. 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