



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

BAIL APPLICATION NO.2051 OF 2025

Dharmaraj Sudhakar Landge ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. A.D. Ostwal, Advocate for applicant
Mr. B.B. Bhise, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Sessions Case No.125/2023, pending before the learned Additional Sessions Judge, Latur, which is registered pursuant to Crime No.306/2023, registered with Gandhi Chowky Police Station, District Latur, for the offences punishable under Sections 302 and 307 of the Indian Penal Code.

2. The prosecution case is that, the applicant was doing

Chimney work in the hotel of the informant. The informant had given Rs.40,000/- to the applicant for doing another work, however, the applicant did not work for the informant and also did not return the amount. On demand, the applicant avoided saying that he has to receive money from another person on 3/7/2023 at 10.00 p.m. The informant made phone call to the accused, however, those were not responded. Therefore, the informant and deceased Raju Hulgunde reached to the house of the applicant and brought the applicant out of his house and asked to pay the amount. Both of them took the applicant near the house of one Swami. Raju Hulgunde enquired in relation to return of the amount. While responding, the applicant, with annoyance, stabbed in his stomach with knife. When the informant attempted to save Raju Hulgunde, the applicant also stabbed the informant with the same knife. Both the informant and Raju Hulgunde having sustained grievous injuries were admitted to hospital, where Raju was declared dead in Civil Hospital, Latur.

3. Learned counsel for the applicant submits that, the applicant is falsely implicated in the case and since the investigation is complete, further detention of the applicant is unwarranted. It is further submitted that, the applicant has been

made a scapegoat on account of financial dispute. The offence for which the applicant charged is not made out. It is only because the wife of the applicant filed complaint against the informant regarding his illegal money lending business, the present F.I.R. is filed maliciously. Hence, prayed to allow the application. In support of his submissions, learned counsel for the applicant has relied upon the following case laws :

- (1) Balwinder Singh Vs. State of Punjab & anr.
2024 SCC OnLine SC 4354
- (2) Javed Gulam Nabi Shaikh Vs. State of Maharashtra
(2024) 9 SCC 813

4. Per contra, learned A.P.P. vehemently opposed the application, citing the severity and the gravity of the offence. It is further submitted that, there is prima facie evidence against the applicant and since the trial is progressing, expressed apprehension that the applicant may flee away and evade the trial.

5. 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.*)

6. 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.

7. 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.

8. 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.

9. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashish 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.

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 offence.

11. 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.

12. Equally, the Hon'ble Apex Court has consistently reiterated that while 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.

13. In the light of the aforesaid facts and precedents and upon perusal of the record made available, it is prima facie evident that there was a monetary transaction between the applicant and the informant. The informant along with his friend (deceased) had approached the applicant for recovery of the same. However, the said discussion went sour and the applicant inflicted knife blow into the stomach of the friend of the informant, due to which he succumbed to the said injuries. The said allegation is further corroborated by the post mortem report, and the weapon used in the crime is also recovered at the instance of the applicant.

14. Having stabbed the deceased, the applicant, undeterred by the same, also stabbed the informant with the said knife, due to which the informant sustained grievous injuries those are corroborated by the injury certificate. Pertinently, the said injuries are stab wounds and are grievous in nature. Therefore, intent, preparation vis-a-vis commission is prima facie established against the applicant.

15. Nevertheless, this is a successive bail application. Earlier plea of the applicant is considered by this Court and showed disinclination vide order dated 7/5/2025 in Bail Application No.584/2025.

16. The contention regarding delay in trial is concerned, the record indicates that, the trial is being conducted as per the due process. Also, in absence of any change in circumstance or any material inconsistency that could be relied upon in favour of the applicant. Moreover, the assertion of delay in trial cannot be considered in isolation, specifically when there is prima facie evidence against the applicant.

17. Thus, I am of the view that, the material on record is sufficient to establish a prima facie case against the applicant and

keeping in view the severity of the offence, wherein death of one individual so also grievous injury to the informant is evident, coupled with the apprehension that the applicant may flee away and evade the trial, I am not inclined to exercise discretion in favour of the applicant.

18. In view of the aforesaid observations and distinct factual matrix of this case, the authorities relied upon by the applicant are not applicable and does not lead any support to the submission on behalf of the applicant.

19. Accordingly, the Bail Application stands **rejected**.

20. Needless to state, the observations rendered herein are limited to the extent of disposal of this application, and it is made clear that the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-