



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

BAIL APPLICATION NO.2450 OF 2025

Rajkumar s/o Uddhav Gatcherale ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. P.P. Giri, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.097/2022, registered with Chakur Police Station, District Latur for the offences punishable under Sections 302, 201, 120-B, 212, 216 read with Section 34 of the Indian Penal Code and Sections 3(1)(i), 3(2), 3(3), 3(4) of the Maharashtra Control of Organised Crimes Act.

2. The prosecution case is that, on the basis of report

lodged by one Manmanth Abande, A.D. No.22/2022 was registered under Section 174 of the Criminal procedure Code. On 19/3/2022, a dead body of unknown person was found in Gat No.211 in Chapoli Shivar, where the quarrying work was done. There were injuries on the body by sharp edged weapons. In the course of inquiry, it was revealed that some unknown persons committed murder of said person by assaulting with edged weapons on his head, face, neck and back. Therefore, F.I.R. came to be lodged by P.S.I. Tukaram Phad, attached to Chakur Police Station.

3. On 20/3/2022, C.R. No.92/2022 came to be registered by Chakur Police for offence under Section 302 of the Indian Penal Code against unknown persons. In an attempt to identify the dead person, the Police found that, Sachin @ Lalya, son of Shivsamb Davangave, R/o Shirur Tajband, was missing since 18/3/2022. After receipt of information, Police called Shivsamb, who identified the dead body and articles and clothes as that of Sachin. Shivsamb suspected that accused No.1 Narayan, hatching conspiracy with other accused, committed murder of his son due to lane dispute. Accused No.1 Narayan was absconding. On finding out mobile location of Narayan at Sangarey, Hyderabad, the Police

arrested Narayan and kept him at Police Station, but Narayan successfully fled away from police custody. Therefore, C.R. No.98/2022 is registered against Narayan under Section 224 of the Indian Penal Code.

4. During the investigation, it revealed that, the accused No.1 Narayan, hatching a conspiracy with other accused, gave contract (supari) to commit murder of deceased Sachin to the present applicant, his brother and accused No.3 Sudhir for consideration of providing one Dhaba and amount of Rs.1 Lakh to them. As per the conspiracy and contract, they took Sachin to Chapoli Shivar on a motorcycle on the pretext of giving meal and committed his murder by assaulting him by sickle, knife and stones.

5. 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.

6. The learned APP has submitted that, the prosecution has cited a total of 32 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.

7. 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.)

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

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. Upon perusal of record, indicates that, the recovery of weapons and statements of witnesses, prima facie, establishes complicity of the applicant in the offence. Prima facie, the overwhelming material is collected by the prosecution indicating the establishing the offence being committed with premeditation. Moreover, the applicant also has criminal antecedents.

16. In the light of aforesaid circumstances and the well

settled principles discussed above, I am not inclined to exercise discretion in favour of the applicant. Therefore, the bail application is **rejected**.

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, J.)

fmp/-