



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

BAIL APPLICATION NO.26 OF 2026

Chandrakant s/o Jankiram Deshmukh ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....

Mr. D.M. Shinde, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent – State assisted by

Mr. Gajanan Kadam, Advocate for complainant

.....

WITH

**CRIMINAL APPLICATION NO.202 OF 2026 IN
BAIL APPLICATION NO.26 OF 2026**

Mayuri w/o Raju Deshmukh ... **APPLICANT**

VERSUS

Chandrakant s/o Jankiram Deshmukh & anr. ... **RESPONDENTS**

.....

Mr. Gajanan Kadam, Advocate for applicant

Mr. D.M. Shinde, Advocate for respondent No.1

Mr. S.D. Ghayal, A.P.P. for respondent No.2 – State

.....

WITH

BAIL APPLICATION NO.1905 OF 2025

Suryakant s/o Jankiram Deshmukh & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. D.M. Shinde, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent – State assisted by

Mr. Gajanan Kadam, Advocate for complainant

.....

WITH

CRIMINAL APPLICATION NO.4133 OF 2025 IN
BAIL APPLICATION NO.1905 OF 2025

Mayuri w/o Raju Deshmukh

... **APPLICANT**

VERSUS

Suryakant s/o Jankiram Deshmukh & ors.

... **RESPONDENTS**

.....

Mr. Gajanan Kadam, Advocate for applicant

Mr. D.M. Shinde, Advocate for respondent No.1 & 2

Mr. S.D. Ghayal, A.P.P. for respondent No.3 – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th JANUARY, 2026

PER COURT :

1. Criminal Application Nos.202/2026 and 4133/2025 are allowed. The original complainant is permitted to intervene in the Bail Applications and to assist learned A.P.P.

2. Bail Application Nos.26/2026 and 1905/2025 are filed by the applicants (original accused No.2 and original accused No.1

and 4 respectively), seeking their release on regular bail in connection with Crime No.61/2025, registered with Barad Police Station, District Nanded for the offences punishable under Sections 103(1), 115(2), 351(2), 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case is that, owing to a long drawn dispute over agricultural land, in the year 2024, when the informant and her deceased husband were working in the field of accused Nos.1 to 3, the accused Nos.1 to 3 had assaulted her and her husband with wooden stick, in which there were seriously injured. Therefore, her husband had lodged F.I.R. against them at Barad Police Station. It is alleged that, the accused persons were also attempting to kill the complainant and her husband with an intention that the complainant and her husband should not get the share in the agricultural land. The relatives had tried to give understanding to the accused persons, however, they were not paying heed and were intending to grab the share of the complainant and her husband.

4. It is contended in the F.I.R. that, on 16/5/2025 at about 12.30 p.m., when the complainant and her husband were working

in the agricultural land, the accused persons namely Suryakant Jankiram Deshmukh (applicant No.1 in Bail Application No.1905/2025), Chandrakant Jankiram Deshmukh (applicant in Bail Application No.26/2026), Shilpa Chandrakant Deshmukh and Umesh Suryakant Deshmukh (applicant No.2 in Bail Application No.1905/2025) came there and asked them to leave from the field else they will not spare them, and started abusing and raising dispute. The complainant and her husband tried to give understanding to them, however they did not pay any heed. The accused Suryakant and Umesh assaulted the husband of the complainant by fists and kicks. At that time, all of them were telling each other to finish both the complainant and her husband on the spot.

5. It is averred that, the present applicant Chandrakant hit a stone in the head of husband of the complainant, due to which there was severe bleeding from the head of husband of the complainant and he fell down. When the complainant was trying to save her husband, the accused Shilpa assaulted her and her husband by kicks. When the complainant raised hue and cry to save her husband, the persons who were working in adjacent field

by name Govind Sandhan Tiratwad and Vijay Raju Pitlewad came there and with their help, the complainant rushed her husband to the hospital at Barad. On way, when they saw a police van, with the help of police, her husband was admitted to the hospital at Barad, where the doctors declared her husband dead before reaching to the hospital.

6. Learned counsel for the applicants submits that, the implication of the applicants is on account of civil dispute. There is delay of about 8 to 10 hours in lodging the F.I.R. It is further submitted that, the applicants were not present on the spot on the day of the alleged incident and were not even in the village. In any case, the investigation is over. Charge sheet is filed. As such, no further purpose would be served by continued incarceration of the applicant. The learned counsel urged to allow the applications.

7. Per contra, the learned A.P.P. and learned counsel for the complainant vehemently opposed the bail applications, submitting that the offence is serious in nature, there are eye witnesses to the incident and the role of the applicants is rather indicated by those witnesses. There is premeditated murder of real brother of the accused Chandrakant. If the applicants are released

on bail, they are likely to pressurize the complainant and the witnesses and also they are likely to commit other offence. Hence, prayed to reject the applications.

8. Upon hearing the learned counsel for the applicants and the learned A.P.P., assisted by learned counsel for the informant and perusal of the material on record including the Chargesheet and the statements and post mortem report, prima facie there appears to be a prelude on account of civil dispute. The role of the applicants is indicated by the informant and further confirmed by the independent witnesses namely Govind Sandhan Tiratwad and Vijay Raju Pitlewad. Thus, the prosecution has prima facie collected the overwhelming material on record. The applicants are involved in grievous offence, punishable with death sentence or life imprisonment.

9. The law is no longer res integra that gravity and seriousness of the offence is the relevant consideration for grant or refusal of bail. In the case in hand, the prosecution has collected prima facie overwhelming evidence at the instance of the witnesses those are rather eye witnesses to the incident including the independent witnesses.

10. 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.)

11. 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.

12. 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 prima facie overwhelming evidence against the present applicant.

13. 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.

14. 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.

15. 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.

16. In **Neeru Yadav Vs. State of UP [(2016) 15 SCC 422]**, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in heinous offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018) 12 SCC 129]**.

17. In view of the aforesaid facts and precedents, it is evident that, due to a civil dispute, the altercations took place between the parties. As such, prima facie there was motive on the part of the applicants. The applicants, in furtherance of their common intention, have committed the crime and the statement of the informant indicates that the applicant Chandrakant was solicited by other applicants to kill the husband of the informant. Therefore,

there is prima facie involvement of all the applicants in the crime and the same is corroborated by the medical report.

18. Thus, the factual matrix of the matter clearly indicate that the applicants do not deserve to be admitted to bail by exercising the discretion. Both the Bail Applications are rejected.

(SACHIN S. DESHMUKH, J.)

fmp/-