



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

BAIL APPLICATION NO.2548 OF 2025

Akash s/o Ramdhan Charawande ... **APPLICANT**

VERSUS

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

.....

Mr. N.S. Ghanekar, Advocate for applicant
Mr. P.P. Dawalkar, A.P.P. for respondent – State, assisted by
Mr. S.G. Ladda, Advocate for informant

.....

WITH

**CRIMINAL APPLICATION NO.484 OF 2026 IN
BAIL APPLICATION NO.2548 OF 2025**

Suraj s/o Rajaram Chungde ... **APPLICANT**

VERSUS

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

.....

Mr. S.G. Ladda, Advocate for applicant
Mr. P.P. Dawalkar, A.P.P. for respondent No.1 – State
Mr. N.S. Ghanekar, Advocate for respondent No.2

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11th FEBRUARY, 2026

PER COURT :

1. Criminal Application No.484/2026 is allowed. The original informant is permitted to assist learned A.P.P.

2. The applicant seeks regular bail in connection with Crime No.173/2025, registered with Kannad Rural Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 3(5), 61(2), 238, 351, 352 of the Bhariya Nyaya Sanhita, 2023 and Sections 3/25 of the Arms Act.

3. The prosecution case is that, on 12/7/2025 at about 11.30 to 12.0 Hrs. when the father of the complainant namely Rajaram was sitting near the house in the field, two unknown men and one unknown woman came on motorcycle and assaulted his father on his head, on right and left hands and caused serious injuries to him for unknown reason. On hearing his shouts, Navnath Jaising Pawar who was working in the field, when he rushed towards the father of the complainant, one unknown man gave gesture to him to stay, therefore, he was frightened and stayed there. Thereafter the assailants ran away. One Rafiq Shah who was working in the nearby field, reached there and with the help of other persons, the father of the complainant was rushed to the Rural Hospital, Kannad, where he was declared dead.

4. Learned counsel for the applicant submits that, the applicant is falsely implicated in the alleged crime. The applicant

came to be arrested on 24/7/2025 and since then he is in jail. The investigation is complete. Charge sheet is filed. Therefore, nothing is to be recovered from the applicant. Hence, prayed to allow the application.

5. Per contra, the learned A.P.P. vehemently opposed the application, contending that, the offence is of serious nature. The applicant was involved in the offence and if he is released on bail, the applicant will tamper with the prosecution evidence and witnesses. Hence, prayed to reject the application.

6. Having heard the learned counsel for both the sides and upon perusal of the material available including charge sheet, 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.)

7. 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.

8. 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.

9. 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.

10. 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.

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 offence.

12. In the present case, the applicant has facilitated the co-accused in the commission of murder. There is sufficient material

on record to prima facie disclose his complicity such as providing SIM cards to the co-accused, conversing and planning the commission of the act and further aiding the prime accused to flee away from the spot of incident. Thus, it is prima facie evident that the applicant shared a common intention with the co-accused./ as such, the prosecution has sufficiently established a prima facie case against the applicant and the same disentitles him for bail.

13. 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**.

14. 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/-