

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 271 OF 2025

Farid Mahmood Hodekar

VERSUS

State of Maharashtra

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Mr. Pratik Jadhav, Advocate for Applicant.

Dr. A.A. Takalkar, APP for the Respondent – State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 23rd MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 360 of 2022 dated 22.09.2022 registered with Ratnagiri City Police Station, District Ratnagiri for the offences punishable under Sections 302, 397, 201 and 120(b) of the *Indian Penal Code*.
2. The case of the prosecution is that the deceased, a goldsmith by profession and a resident of Bhayandar, District Thane, had traveled to Ratnagiri on 19th September 2022 for business purposes. After visiting several local jewelry shops, the deceased went missing, and his family members were unable to establish contact and trace. Consequently, a missing report was lodged with the concerned Police Station.

3. During the course of the investigation, the Investigating Agency scrutinized the C.C.T.V. footage from cameras installed in the vicinity of "Trimurti Jewellers," a shop owned by Accused No. 1. The footage makes revelation that on 19th September 2022, at approximately 08:24 p.m., the deceased entered the said shop. The presence of Accused Nos. 1, 2, and 3 at the scene is also allegedly confirmed by the C.C.T.V. records. The prosecution further alleges that at midnight, the three accused persons assembled in front of the shop, which was closed at the time. They reportedly opened the premises and were seen transporting a large gunny bag from the shop into an auto-rickshaw.

The accused persons, in furtherance of their common intention, committed the murder of the deceased by strangulation. Thereafter, they allegedly disposed of the body in a stream at Abaloli, Taluka Guhagar, District Ratnagiri, with the intent to screening off the evidence of the crime.

4. The learned counsel for the Applicant submits that the prosecution case is premised on circumstantial evidence. There is no incriminating material on record to establish a nexus between the applicant and the co-accused. Apart from the aforesaid aspect,

considering the prolonged delay in the commencement of the trial, the Applicant deserves to be enlarged on bail.

5. In support of these contentions, the learned counsel places reliance on the ratio laid down by this Court in Bail Application No.1830 of 2023 by order dated 29.08.2023.

6. Per contra, the learned APP vehemently opposed the application, submitting that the charge-sheet contains overwhelming evidence to connect the present applicant to the commission of the offence. It is submitted that the presence of the applicant at the scene of the crime is corroborated by the Call Detail Records (CDR) and the CCTV footage, which unequivocally establish the complicity of the applicant. The learned APP further submits that since the trial is in progress, the Applicant is not entitled to any relief.

7. In support of this contention, learned APP has placed reliance on the Hon'ble Apex Court in *X versus State of Rajasthan and Anr.*¹ in Special Leave Petition (Criminal) No. 13378 of 2024, particularly Paragraph 14, which reads as under :

¹ 2024 INSC 909

“14. Ordinarily in serious offences like rape, murder, dacoity, etc. once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

8. The APP also heavily placed reliance on the order of the Hon’ble Apex Court in ***State of Kerala Versus Mahesh²***.

9. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet indicates that the applicant is involved in a murder of the deceased under mysterious circumstances and has come to be arraigned as accused on the basis of CCTV footage and other consequential evidence.

10. The Honourable Apex Court, in the 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:

2 [2021] 0 AIR (SC) 2071

(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. 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.

12. The Honourable 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.

13. Equally, the Hon'ble Apex Court, in the 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.

14. The Honourable Apex Court, in the 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. In view of the aforesaid precedents, further perusal of the record indicates that the deceased was last seen entering the premises of the alleged spot of incident along with co-accused. It is alleged that the applicant along with co-accused eliminated the deceased and eventually took out the dead body in a gunny bag which was later on discovered in the river. The said aspects are *prima facie* corroborated by witnesses at various juncture indicating the seamless chain of events. Moreover, the CCTV footage and the CDR of the applicant further substantiate the same.

16. The record further indicates that the charge is framed and the trial is under progress. The Hon'ble Apex Court in case of '***X*** *Versus the State of Rajasthan*' (Supra) has cautioned against granting bail in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution witnesses are being examined.

17. As far as the precedent relied upon by the applicant is concerned, the same being distinct in facts to the present case, does not lend any support.

18. In view of the aforesaid facts and precedents and given the gravity and severity of the offence, I am of the considered view that the present Bail Application does not warrant exercise of discretion in favour of applicant. Consequently, the Application stands rejected.

19. However, considering the fact that the arrest was effected on 22nd September, 2022, and the applicant has been in custody since thereof, the learned Trial Court is hereby requested to make an endeavour to conclude the trial as expeditiously as possible.

[SACHIN S. DESHMUKH, J.]