

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

CRIMINAL BAIL APPLN. NO. 1907 OF 2025

Dnyandev Baburao Patil

....Applicant

VERSUS

State Of Maharashtra

....Respondents

...

Ms. Neha G. Deshpande i/b Dr. Uday Warunjikar, advocate for the applicant

Mr. Anand S. Shalgaonkar APP for the State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 115/2019 dated 15/10/2019 registered with Bhilavadi Police Station, District Sangli for offences punishable under Sections 302 of the Indian Penal Code and under Section 4(25) of the Arms Act.

2. It is the case of prosecution that On 15/10/2019, Ajay Gyandev Patil, lodged a report stating that his father frequently harbored suspicions regarding his mother's character, which led to repeated verbal abuse and physical assault. Although the family had previously intervened to mediate these disputes, the conflict persisted. On 14/10/2019, when informant returned home after completing bank-related work, he noted that both his parents were at

home. At that time, the family was staying in a rented house while their new home was being constructed. Around 7:30 PM, the informant and his cousin, Sachin Raghunath Patil, went to the construction site to water the structure. When the informant and his cousin returned home, they observed the father hurriedly latching the front door from the outside and leaving the premises in a state of agitation. Sensing something was wrong, the informant unlatched the door and entered the house. After receiving no response to his calls, he entered the inner room and found his mother, Suman, lying in a pool of blood.

3. He immediately raised an alarm, and he and his cousin re-entered the room together. They observed a blood-stained sickle lying next to her. The deceased had sustained deep, fatal wounds to her neck, left palm, and left ankle.

4. The informant and his cousin subsequently went to the police station, where they found that the father had already arrived. In their presence and before the police, the father allegedly confessed that he had murdered his wife, Suman, with the sickle during a fit of rage sparked by a dispute over her character. Consequently, the informant filed a formal complaint against his father, Gyandev Baburao Patil, for the murder of his mother.

5. Learned counsel for the applicant submits that that

applicant is arrested in the year 2019. Investigation is complete and charge-sheet is filed. The case is premised on circumstantial evidence which entails the applicant to be admitted to the bail.

6. *Per contra*, learned APP opposed the bail application submitting that prosecution has collected the evidence indicating the complicity of the present applicant while eliminating his own wife in a pre-determined act for which the potential punishment would be life imprisonment.

7. Heard learned counsel for the applicant and learned APP. Although the case is premised on circumstantial evidence, however, *prima facie*, there is overwhelming evidence on record indicating the complicity of the present applicant. So far as the plea put forth by the learned counsel for the applicant of indefinite incarceration cannot be considered in isolation. The same has to be considered in the light of evidence collected in the investigation which *prima facie* indicates the complicity of the present applicant.

8. 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.)

9. 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.

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. 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. 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.

13. 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.

14. 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]**.

15. In that view of the matter, application does not warrant any consideration. Application is dismissed.

16. Considering the fact that the trial is of the year 2019, the concerned Court shall make an endeavour to conclude the trial at the earliest.

17. The Professional fees of counsel for the applicant is quantified of Rs. 10,000/- .

(SACHIN S. DESHMUKH, J.)

IRESH
MASHAL

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