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

BAIL APPLICATION NO. 3185 OF 2025

Sagar Alias Vikram Vitthal Mane
VERSUS
The State of Maharashtra
...
Mr. Pankaj B. Tapase, Advocate for Applicant appointed through legal-aid.
Dr. A.A. Takalkar, APP for the Respondent – State.

...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 20th APRIL, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 85 of 2025 dated 23.03.2025 registered with Dahiwadi Police Station, District Satara, for the offences punishable under Sections 103, 238 read with 61(2)(a) of the *Bhartiya Nyaya Sanhita, 2023*.

2. The prosecution case is that on 18.03.2025, at about 6:00 PM, the co-accused, acting in connivance with her mother, and other accomplices, hatched a criminal conspiracy to eliminate the deceased - Yogesh Pawar. Under the garb of repaying a debt and seeking a personal meeting, Accused No.1 lured the victim to Narwane, where the assailants, motivated by affair and financial dealings, launched a premeditated and brutal assault using sharp-

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edged weapons, inflicting fatal injuries. Subsequent to the murder, and with the intent to cause the disappearance of evidence, the accused bound the victim's limbs, placed his body in his own vehicle, and disposed of both the body and the vehicle in a canal. Thereby committing offenses of murder, criminal conspiracy, and de-screening of evidence. Hence, the report.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant is in custody for long. Investigation is complete and the charge-sheet is filed. There are no criminal antecedents against the applicant. The entire case is based on circumstantial evidence. The trial is unlikely to conclude within a reasonable period. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

4. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The applicant along with co-accused has hatched a plan and thereby committed murder. The place of murder and the recovery of the weapons is discovered at the instance of the present applicant. Thus, the the complicity of applicant is apparent. Hence, prayed to reject the application.

5. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet indicates that the body of the deceased was found in a canal in a car with multiple injuries suggesting the murder. During the investigation, the name of the applicant surfaced as being the brother of the co-accused – Roshani, who had allegedly called the deceased to meet him, leading to the subsequent murder.

6. 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:*
>
> *(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. 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.

9. 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.

10. 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.

11. In view of the aforesaid precedents and further perusal of the overwhelming material on record *prima facie* indicating that the

deceased was called by the co-accused – Roshani to meet her wherein all the co-accused including present applicant committed the murder. There is also allegation of a long standing love affair between the deceased and the co-accused Roshani, which had eventually gone sour. As such, *prima facie* the applicant being the brother of the co-accused, had motive to commit the alleged crime.

12. Given the brutality and seriousness of the murder coupled with the potential punishment, the possibility of applicant threatening or influencing the witnesses or evading the trial cannot be ruled out. Hence, I am not persuaded to exercise the discretion in favour of the applicant.

13. Resultantly, the bail application is rejected.

14. Professional fees of Rs. 10,000/- to be paid to learned counsel for the applicant appointed through High Court Legal Services Authority.

[SACHIN S. DESHMUKH, J.]