

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

CRIMINAL BAIL APPLICATION NO. 3515 OF 2025

JAMIR SALIM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shailesh Chavan, Mr. Ajinkya Sangirao
and Sujit Nikam h/f. Mr. Shrikant H. Panhale
APP for Respondent : Dr. Ms. A. A. Takalkar
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-04-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.34 of 2022 dated 31.03.2022 registered with Phaltan City Police Station, District Satara, for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 188 269 of the Indian Penal Code, Section 51(B) of the Disaster Management Act, 2005 and Sections 4 and 25 of the Arms Act, 1959. In the said crime, the applicant was arrested on 13.01.2022. After completion of the investigation, the chargesheet has been filed.

2. The prosecution case is that a neighbour, Manoj, informed the deceased's mother/the informant that the applicant, co-accused Salim and Saifulla, and others were assaulting her son, Nilesh, and his friend, Bharat.

The informant rushed to Topi Chowk, where found Nilesh lying seriously injured, and shifted him via auto-rickshaw to the Sub-District Government Hospital in Phaltan. There, in the presence of her other son, Vishal, Nilesh recounted the attack. He stated that the group assaulted them on the pretext that he had been teasing local girls. Specifically, he alleged that Salim used a sword, Saifulla and Jamir used iron pipes, and Bilal and Raj used wooden logs.

Nilesh was subsequently moved to Lifeline Hospital for advanced care but was pronounced dead upon arrival. The witness, Bharat, was taken to Baramati for treatment after sustaining a head injury and fractures to his limbs. Hence, the report.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and arrested solely on suspicion. The report is an afterthought based on hearsay evidence, lacking any dying declaration or specific role attributed to the applicant. Further, the applicant had no motive to commit the crime, and the witnesses are interested parties. As the investigation is complete and the chargesheet has been filed, there is no further need for custody. The applicant has already been incarcerated for long without any progress in the trial. The continued detention would violate the applicant's fundamental right to a speedy trial and

amount to punitive pre-trial incarceration. On the grounds of parity, as the co-accused (the applicant's father) has been granted bail, prayed that the applicant also be released.

4. The learned A.P.P. for the State opposed the application, submitting that the applicant is involved in a serious offence involving a lethal assault on the deceased and a witness using sword, pipe, and wooden logs. The chargesheet contains sufficient material to establish the applicant's complicity and presence at the crime scene, supported by the eyewitness accounts and a confession. Further, the applicant's criminal antecedent, specifically C.R. No. 206 of 2011 for the offences under Section 307 and other provisions of the IPC, indicate a habitual nature. Beyond the eyewitness testimony, the prosecution has established the applicant's complicity through the recovery of blood-stained clothing and the iron rod used in the assault, both seized at his instance.

Further expressed apprehension that if applicant is released on bail there is strong possibility that the applicant may tamper with the evidence or influence the eyewitnesses. Considering the gravity of the accusations and the supporting evidence, prayed to reject for the bail application.

5. Having heard the respective counsel from both the sides and

upon perusal of the material on record, including the charge sheet indicates that the prosecution has collected overwhelming evidence against the applicant. There exists a clear nexus between the applicant and the alleged offense since the evidence, supported by medical reports of the injured and the deceased, indicates that all accused persons acted in concert, assaulting the victim with deadly weapons, specifically a sword and an iron rod resulting in multiple fatal injuries.

6. The accusations against the applicant, *prima facie*, are of a very serious nature, involving a coordinated and brutal assault with lethal weapons that resulted in a loss of life and grievous injury to another. The prosecution's case is *prima facie* supported by the the statements of an witnesses who specifically attribute the use of an iron pipe to the applicant. Unlike the co-accused who was granted bail on the grounds of limited involvement, the applicant is alleged to have been an active participant at the scene.

7. 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.)

8. 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.

9. Equally, the Honourable 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.

10. Similarly, the Honourable Apex Court, in the 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.

11. The Honourable Apex Court, in the 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.

12. 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.

13. 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.

14. In the case of ***Neeru Yadav Vs. State of UP [(2016) 15 SCC 422]***, the Honourable 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 reaffirmed by the Honourable Apex Court in the case of ***Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018) 12 SCC 129]***.

15. The Hon'ble Apex Court in case of ***State of Bihar vs. Amit Kumar [(2017)13 SCC 751]***, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail. In the present case, the trial is progressing and further the prosecution has demonstrated the efforts to conclude the trial. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

16. Apart from the aforesaid aspects, the accused persons are alleged to have acted in concert while brutally assaulting the deceased with deadly weapons. The collective nature of the attack and the targeted injuries on vital parts *prima facie* demonstrate a common object to cause death. The legal position regarding such coordinated assaults by an unlawful assembly has been further clarified by the Hon'ble Supreme Court in the case of ***Sitaram Kuchhbedia vs Vimal Rana and others, 2026 INSC 178,***

wherein it is held as follows:

"66. Once it is established that an unlawful assembly existed and the accused-respondents intended to commit murder of deceased-Bhaggu in furtherance of the common object of such assembly, the individual attribution of the fatal injury fades into insignificance. It is trite law that Section 149 IPC embodies the principle of vicarious liability and renders every member of an unlawful assembly guilty of the offence committed in prosecution of the common object."

17. So far as ground of parity is concerned, it deserves to be considered since accused No.1 is admitted to bail only on the ground of medical reasons. The plea of incarceration cannot be considered in isolation, the overall record indicating the complicity of the applicant with the incident and the fact that the incident is witnessed by the witnesses.

18. In view of aforesaid discussion, the factual matrix of the case reveals a strong *prima facie* case of the applicant's complicity in a heinous crime, as established by consistent eyewitness testimony detailing his specific role in the assault. This Court takes serious note of the applicant's criminal history, particularly an earlier attempt to murder (Section 307 IPC), which underscores a violent temperament and a propensity for recidivism that poses a substantial threat to public order.

19. Given that the witnesses reside in the same locality, there exists a well-founded apprehension of witness intimidation or

influence if the applicant is released. Furthermore, the gravity of the potential punishment enhances the risk of the applicant absconding. While acknowledging the period of incarceration, the Court finds that the severity of the offence and the interests of societal safety outweigh the mere length of detention. Consequently, this Court is not inclined to grant discretionary bail; however, the trial court is requested to expedite the proceedings and conclude the trial as early as possible.

20. Accordingly, the criminal bail application is rejected.

21. 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.]

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