

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3622 OF 2025

AKASH ALIAS SONYA SUKHDEO SHINDE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Shankar Katkar i/b Mr. PrashantS.
Hagare
APP for Respondent-State : Dr. Ashvini A. Takalkar

CORAM : SACHIN S. DESHMUKH, J.
Date : 2nd April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 13.08.2022 bearing Crime No. 389 of 2022 registered with Phaltan City Police Station, Dist. Satara for the offences punishable under Sections 302 and 324 read with 34 of the Indian Penal Code.

2. The case of the prosecution is that on 13.08.2022, the informant arrived at his soda shop in Kolki approximately at 11:00 am, while his mother went to graze goats as per her routine. At about 05:45 pm, the informant received a call from his neighbour, who reported that the informant's mother was being assaulted by

his nephew, Akash, with a stick near the airport. The informant immediately rushed to the scene on his motorcycle and allegedly witnessed Akash striking his mother with a stick. Upon noticing the informant's arrival, the nephew reportedly picked up a large stone and struck the mother's head as she lay on the ground before fleeing the area. Despite bystanders calling for the police and an ambulance, and the informant's mother being shifted to SDH, Phaltan, she was declared dead upon arrival, leading to the subsequent lodging of the FIR.

3. The learned counsel for applicant submits that the the alleged incident was not a result of any pre-planned conspiracy or cold-blooded intent to commit murder. The act occurred during a sudden heat of passion without any prior enmity. The learned counsel for applicant further submits that the accused is a young individual with no previous criminal record or history of violent behaviour.

4. The learned counsel for the applicant further submits that the arrest of the applicant has been effected on 13.08.2022 and since then, is in jail. Investigation is complete and the charge-sheet is filed in the month of November 2022. The trial is likely to a

considerable period. As such, further incarceration of the applicant is not warranted. Hence, prayed to allow the bail application.

5. The learned APP has submitted that an overwhelming material is produced by the investigating agency. It is further submitted that the offence is of an extremely serious in nature. The accused committed a cold-blooded and brutal assault upon his own aunt on 13.08.2022. The brutality of the act reflects a depraved mindset and granting bail in such a gruesome case of homicide. Test identification parade is conducted. Blood stained clothes have also been seized. Hence, prayed to reject the application.

6. Having heard the learned counsel for applicant and learned APP for State, 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. Further, 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 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 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.

11. 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.

12. In the present case, the accused launched a brutal and unprovoked attack on a defenseless elderly woman, his own aunt, while she was engaged in grazing goats. The PM Report and the ocular version of the informant indicate that the accused did not merely stop at assaulting the deceased with a stick but escalated the violence by using a large stone to strike her head while she was already incapacitated on the ground. Such a deliberate act of crushing a vital organ demonstrates a prima facie intention to cause death.

13. It is admitted that the deceased was the grandmother of the accused and the mother of the informant, The investigation papers reveal a history of ongoing property disputes between the parties. The background provides a prima facie motive for the alleged assault, which warrants consideration alongside the direct evidence connecting the accused to the incident of 13.08.2022.

14. The prosecution case is supported by the presence of eyewitnesses, including the informant himself, who reportedly witnessed the final moments of the fatal assault. The narrative is further corroborated by the witness, Sagar, who observed the accused assaulting the deceased with a stick and immediately

alerted the complainant via telephone.

15. The Investigating agency verified the communication through the collection of Call Detail Records (CDR), which show active calls between Sagar and the complainant. Furthermore, the record prima facie demonstrates a high degree of consistency and promptness. Following the assault, bystanders summoned both the police and an ambulance to the scene, and the accused was apprehended within six hours of the incident.

16. The investigating agency conducted the identification where witnesses successfully identified the accused as the perpetrator. Considering the prima facie ocular evidence of Sagar and the informant, the corroborative electronic evidence and the positive identification of the accused, there exists a strong prima facie case of murder.

17. In light of the brutal nature of the crime against an elderly family member and the potential for the accused to interfere with witnesses in a dispute rooted in property, the Court finds no merit in the application for bail. Prima facie, the evidence gathered thus far points toward a calculated act of violence rather

than a sudden provocation. Consequently, to ensure the integrity of the upcoming trial and the safety of the witnesses, the application for bail does not warrant consideration.

18. 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. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

19. Having regard to the legal position settled by the Hon'ble Apex Court in the case of **X vs. State of Rajasthan (2024 INSC 909)**, it is observed that the discretion to grant bail must be exercised with extreme caution once the trial has progressed significantly then this Court ought to be slow in granting bail. The Hon'ble Supreme Court has held as under :-

"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."

20. Therefore, the submission of the learned counsel for applicant in relation to delay in trial, the same cannot be

considered in isolation. As has been held by Hon'ble Apex Court in case of **Amit Kumar** (supra), the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

21. 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.

22. Needless to states 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.)

Omkar Joshi