

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3676 OF 2025

Vishal Gulabrao Salunkhe

VERSUS

The State Of Maharashtra

Advocate for Applicant : Mr. Rushikesh K. Gaikwad a/w Mr. Rahul Rore a/w Mr. Devendra Kinekar

APP for Respondent-State : Dr. Ms. A. A. Takalkar

CORAM : SACHIN S. DESHMUKH, J.

Date : 24th March, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 14.11.2022 bearing Crime No. 672 of 2022 registered with Islampur Police Station, Dist. Sangli for the offences punishable under Sections 302 and 397 of the Indian Penal Code.

2. The prosecution case is that on 14.11.2022, informant Sushila Abasaheb Salunkhe lodged a report at the police station that the deceased, Hambirrao, was a resident of Pethkar Colony. It is alleged that on 09.11.2022, the wife of the deceased had gone to stay at the house of their daughter, Vijaya. On 14.11.2022, at

approximately 11:30 am, one Sujata Patil arrived at the informant's residence and mentioned noticing an electricity bill left hanging outside the house of the deceased. Consequently, Sujata Patil placed a phone call to Mangala, the wife of the deceased, who instructed her to take the bill inside and lock the door from the outside. Subsequently, Mangala telephoned the informant to express concern that her husband was not answering her repeated calls.

3. The informant accompanied with Sujata Patil then proceeded together to the residence of the deceased. Upon arrival, they attempted to call out to the deceased from outside the premises, but received no response, they entered the house to investigate. Inside, they discovered the deceased lying in a pool of blood with a rope tied around his neck at one end and secured to a hook on the ceiling slab at the other. Following this discovery, they informed their relatives of the situation and proceeded to lodge the complaint with the police station. Accordingly, the FIR came to be registered and during the course of investigation, the involvement of the applicant is found.

4. The previous application presented by the applicant

bearing Bail Application No. 1807 of 2025 was disposed as withdrawn with liberty to file fresh application before the Sessions Court, vide order dated 15.10.2025 of this Court.

5. The learned counsel for applicant submits that the entire prosecution case is based on circumstantial evidence. There are no eyewitnesses to the alleged incident. The prosecution has failed to establish motive against the applicant to commit such a heinous act. The investigation is complete and the charge-sheet is also filed. The arrest of the applicant has been effected on 15.11.2022 and since then, he is in jail. Nothing remains to be recovered at the instance of applicant. As such, further incarceration of the applicant is not warranted.

6. The learned counsel for the applicant further submits that there has been no significant progress in the trial. It is contended that although the present application is a successive bail, it remains maintainable due to this lack of progress, which constitutes a substantial change in circumstances. The applicant emphasizes that the right to a speedy trial is a fundamental facet of personal liberty. The continued incarceration of the applicant without the commencement of the trial within a reasonable

timeframe amounts to a violation of his constitutional rights. Hence, prayed to allow the application.

7. The learned APP has submitted that the prosecution has cited in all 43 material witnesses. The recovery of the body with a rope tied to the neck and a ceiling hook, coupled with the presence of blood at the scene, creates a strong prima facie case of murder under Section 302 of the Indian Penal Code, which carries the highest level of punishment. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. Hence, prayed to reject the application.

8. In any case, this is a successive bail application and there is no change in the circumstances. Initially, application of the applicant was dismissed as withdrawn. This Court must give serious consideration while dealing with maintainability of successive bail application at a subsequent stage when the earlier bail application had been rejected.

9. 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.)

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the court is of the opinion that bail has to be granted then said court will have to given specific

reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

10. Thus, the Hon'ble Apex Court has underscored the obligation of the Court when an earlier bail application has been rejected. A significant onus is placed on the Court while deciding a successive bail application/s to justify the grant of bail. The Court must specifically consider the grounds on which the previous application was rejected. If, after this consideration, the Court forms an opinion that bail should be granted, it must record explicit, specific reasons for doing so.

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. 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.

14. 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.

15. 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 face. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

16. In the present case, prima facie, the prosecution case

has produced substantial circumstantial evidence. The prosecution case rests on the discovery of the deceased, Hambirrao, on 14.11.2022, in a state that prima facie indicates a violent death rather than a case of suicide. While the applicant contends that the presence of a rope tied to the neck and a ceiling hook indicates hanging, the specific mention in the FIR that the deceased was found lying in a pool of blood is a significant factor that cannot be ignored at this prima facie stage. Such a circumstance is often inconsistent with a typical case of suicide by hanging and points toward a struggle or the use of force.

17. Furthermore, the gravity of the offence is a primary consideration for this Court. The crime involves the cold-blooded killing of an elderly person within the confines of his own residence while his spouse was away. The timing of the incident, occurring between 09.11.2022 and 14.11.2022, prima facie indicates a premeditated act rather than a sudden provocation. At this stage, the chain of circumstantial evidence is being meticulously constructed and the release of the applicant on bail could potentially jeopardize the integrity of the prosecution's case. There is a reasonable apprehension that the applicant, if released, may influence the witnesses or tamper with the forensic and medical

evidence yet to be fully analyzed.

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. Considering the material currently available, a clear prima facie case is made out indicating the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that while considering bail application/s in serious offences, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

20. So far as 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 **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]**, the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

21. Moreover, in a successive bail application, the burden lies heavily on the applicant to demonstrate a material change in circumstances. When specifically confronted on this point, the learned counsel for the applicant was unable to demonstrate any change other than the alleged delay in the trial. However, a detailed perusal of the Roznama of the Trial Court reveals that the delay is, in fact, attributable to the conduct of the applicant. Since the progress of the trial has been hindered by the applicant's own actions, the ground of delay cannot be entertained as a valid change in circumstances to warrant the grant of bail.

22. 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**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi