

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3735 OF 2025

Laxman Hebbali Chandanwale

VERSUS

The State Of Maharashtra

WITH

CRI-INTERIM APPLICATION NO. 31 OF 2026
IN
CRIMINAL BAIL APPLN. NO. 3735 OF 2025

Shweta Sudhakar Khade

IN THE MATTER BETWEEN

Laxman Hebbali Chandanwale

VERSUS

The State Of Maharashtra

Ms. Tanvi Tapkire a/w Ms. Purva S. Patil advocate for the applicant
Mr. Anand S. Shalgaonkar APP for the State
Mr. Umesh Mankapure, Mr. Chaitanya Khade for the intervener

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th APRIL, 2026.

P. C. :

1. Heard learned counsel for the applicant, learned APP and learned counsel for the intervener.
2. The applicant seeks regular bail in connection with C.R. No. 269/2024 dated 09/11/2024 registered with Mahatma Gandhi Chowk Police Station, Miraj District Sangli for offences punishable

under Sections 103(1), 118(1), 238, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Prosecution case is, on 09/11/2024, the deceased had been to the site to take possession of and fence a plot of agricultural land. This land—formerly Survey No. 44/1/B and currently Survey No. 11/1/B—had been legally purchased for development via a registered deed.

4. The deceased was accompanied by laborers, colleagues, the complainant, and witnesses. At the site, Accused No. 1 to 4 acted in criminal conspiracy to oppose the fencing work. Applicant was armed with a pickaxe (kudal), while Accused No. 4 held an axe (kurhad). During the confrontation, Accused No. 1 seized the axe from the hands of Accused No. 4 and struck the deceased on the left side of his neck, resulting in death. Simultaneously, present applicant used the pickaxe to strike witness Prashant Jainavar on his back, causing injury. Subsequently, Accused No. 3 disposed of the murder weapon (the axe) by throwing it into a well with the intent to descreen evidence.

5. Learned counsel for the applicant submits that the applicant is

falsely implicated in the crime. There is no overt act on the part of the applicant against the deceased. The allegations of assault are not directed at the vital part of the injured/witness. The injury certificate produced by the government hospital does not indicate the age of the injury. There is absence of motive on the part of the applicant and has been over implicated in the crime. The investigation is complete and charge-sheet is filed, further detention of the applicant is not required.

6. Learned APP alongwith learned counsel for intervener vehemently opposed the application submitting that the applicant had used a shovel and has assaulted the witness on the back. Pending civil dispute between the parties which resulted into the said incident. Therefore, the common intention on the part of the applicant is apparent. Further the investigating agency has carried out necessary recovery at the instance of the applicant and has also obtained CCTV footage of the same. Thus, a *prima facie* case is established against the applicant.

7. Having heard the submissions and upon perusal of the record including the charge-sheet indicate that there is a civil dispute between the parties in relation to the alleged land where the crime

took place. In the said altercation, the deceased sustained several injuries and succumbed thereto. The presence of the applicant alongwith co-accused is *prima facie* established at the spot of incident.

8. The Honourable 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 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 ***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.

10. 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 indicating 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. 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.

12. In view of the aforesaid precedents and upon further perusal of the record *prima facie* indicates that the applicant is the original owner of the disputed land and had prior dispute with the deceased. Accordingly, the presence of the applicant is *prima facie* established by the statements of the witnesses as well as the CCTV footage. Moreover, a specific role of hitting the witness mainly Prashant with a shovel is levelled against the applicant which is further corroborated by the injury certificate.

13. Given the totality of the circumstances, motive of the applicant is also apparent. As such, a *prima facie* there is overwhelming material on record establishing the case against the applicant. Therefore, I am not persuaded to exercise discretion in favour of the applicant.

14. Resultantly, the application stands rejected.

15. In view of dismissal of Bail Application, pending application stands disposed of.

[SACHIN S. DESHMUKH, J.]

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MASHAL

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