

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3744 OF 2025**

Nishikant Suresh Chavan

VERSUS

The State Of Maharashtra

...

Mr. Niranjan Deepak Tiwari, Mr. Jaysinh Jaywant Desai and Mr. Sagar Nagookar for the applicant

Mr. Pritesh Kharade for the intervener

Mr. Anand S. Shalgaonkar APP for the Respondent-State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11th MARCH 2026.

P.C.

1. By this application, applicant is seeking regular bail in C.R. No. 274/2021 dated 16/09/2021 registered with Gokul Sirgaon Police Station, District Kolhapur for offences punishable under Sections 302 and 309 of the Indian Penal Code.

2. Case of the prosecution is that, on 16/09/2021, applicant strangulated his wife at 2.00 p.m, and thereafter informed Mr. Santosh Chavan over a phone call. When Santosh reached to the house of the accused, he saw that applicant was trying to commit suicide by hanging and his wife was lying nearby. Applicant confessed his crime that he strangulated victim on the ground of extra marital affair, hence Santosh lodged FIR against the accused on 16/09/2021 and accused was arrested.

3. Learned counsel for the applicant submits that it is a case of

suicide. However, the applicant is falsely implicated in the offence, wherein his wife has committed suicide. The case is based on circumstantial evidence and there is no incriminating material against the applicant. As such, the applicant deserves to be admitted to the bail.

4. *Per contra*, learned APP opposed the application submitting that wife of the present applicant is eliminated by the present applicant and the complicity of the present applicant is evident from the material collected by the Investigating Officer.

5. Upon considering the submissions of learned counsel for the applicant, learned APP, prima facie it appears that the deceased was strangulated and in the process of resisting the same, there are finger abrasions which sufficiently establishes that it is not the case of suicide.

6. 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. 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 offense.

8. 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.

9. 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.

10. 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.

11. In view of aforestated circumstances, no case is made out warranting exercise of discretion in favour of applicant. Resultantly, application stands rejected.

(SACHIN S. DESHMUKH, J.)