

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

CRIMINAL BAIL APPLN. NO. 3767 OF 2025

Balaji Alias Balu Laxman Chavan

VERSUS

State Of Maharashtra

Mr. Priyal Sarda a/w Mr. Onkar Bajaj, Advocate for Applicant
Dr. Ashwini A. Takalkar, APP for the respondent-State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22nd APRIL, 2026.

P. C. :

1. The Applicant seeks regular bail in connection with C.R. No. 615/2024 dated 21/04/2024 registered with Karad City Police Station, District Satara for offences punishable under Sections 302, 324, 504, 506 read with 34 of the Indian Penal Code.

2. Case of the prosecution is, the Applicant alongwith co-accused Sachin Bhise, in furtherance of their common intention, were engaged in a quarrel with the complainant. At that time, the complainant's brother, Altamas Khan (deceased), was observing the incident. The Applicant and co-accused addressed complainant's brother in an aggressive manner, questioning his conduct and, by

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uttering abusive words, assaulted him with their hands. When the complainant intervened and questioned the accused, they extended threats to his life. Thereafter, both the accused assaulted the complainant with wooden sticks, causing grievous injuries. During the course of the incident, co-accused Sachin Bhise struck the complainant's cousin brother, namely Altamas (deceased on the head with a stick causing serious injuries. Hence, the report came to be lodged.

3. Learned counsel for the applicant submits that the Applicant is falsely implicated in the alleged crime. There is inordinate delay in lodging the F.I.R. The allegations of assault are alleged against the co-accused and not against the present Applicant. During investigation, the co-accused has confessed of being the author of the injury caused to the deceased. There is no motive or intent of the Applicant to commit the alleged offence. The investigation is complete and charge-sheet is filed. The Trial is likely to take time, as such, further detention of the Applicant is not required.

4. Learned APP has opposed the Application submitting that the offence is serious in nature and the Applicant alongwith the co-accused have committed murder of the deceased and there is

overwhelming evidence against the Applicant.

5. Having heard the submissions from both the sides and upon perusal of the record including the charge-sheet indicates that the Applicant is arraigned as accused for the offence of murder by throwing handful of stones towards the deceased and thereby causing death.

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.)

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.”

7. In light of the aforesaid precedent, the record indicates that this is a successive Bail Application before this Court and when this

Court was not inclined to entertain the Application, the same came to be withdrawn with liberty to file fresh Application for bail.

8. Pursuant to the order of this Court dated 25/03/2026, the Trial Court has submitted the progress report, same indicates that the charge is framed against the accused. Further the witness summons are issued. However, the defence counsel had remained absent on the appointed date. As such, the trial is about to commence on the upcoming date. Furthermore, the Trial Court has expressed that an endeavour is being made to conclude the trial at the earliest.

9. The Hon'ble Apex Court in the case of ***X Versus State of Rajasthan and Anr (2024 INSC 909)***, wherein the Hon'ble Apex Court has observed 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 High Court should be loath in entertaining the bail application of the accused”.

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 offense.

11. 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.

12. 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.

13. 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.

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 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.

16. In view of the aforesaid precedents and considering the gravity of the offence coupled with the fact that the trial is under progress as well as the absence of the defence counsel during the trial, as such, plea of delay in trial is not available to the Applicant, therefore, I am not persuaded to entertain the application.

17. Resultantly, the Application stands rejected.

[SACHIN S. DESHMUKH, J.]