

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

CRIMINAL BAIL APPLICATION NO. 4 OF 2026

SAHIL MANOJ MACHARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. D. M. Latake
Advocate for Respondent : Mr. Nitin B. Patil
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17-03-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.322 of 2022 dated 01.11.2022 registered with Shahapur Police Station, District Kolhapur, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. In the said crime, the applicant was arrested on 01.11.2022. After completion of the investigation, the chargesheet is filed on 20.09.2023.

2. The prosecution case is that on the day of the incident, the complainant and his family traveled to village Tardal to attend his brother's death anniversary. Following the ceremony, while the complainant's nephew and his mother departed for home, the complainant and his family remained inside. Upon hearing a commotion outside, the complainant's wife saw Rehman lying on the road in a pool of blood. An eyewitness, Suraj Kajarbhat, identified accused No. 1, Yash, as the assailant who used a sharp

weapon before fleeing with co-accused individuals. Rehman was rushed for medical treatment but was pronounced dead upon examination. Consequently, the report was lodged.

3. Learned counsel for the applicant submits that even no *prima facie* case exists against the applicant, as their name is not mentioned in the first information report. It was highlighted that there are no allegations of the applicant using a weapon, nor has any weapon or incriminating article been recovered from applicants. The case against the applicant relies entirely on circumstantial evidence, with no cogent material linking them to the alleged incident. The report was registered only against accused No. 1 and the unknown persons. Despite insufficient of evidence, the applicant has remained in custody for long.

It is further submitted that a previous bail application was withdrawn with the liberty to move a fresh application before the trial Court if no progress was made in the trial within one year. Hence, prayed that the applicant may be admitted to bail.

4. Learned A.P.P. has strongly opposed the application and submitted that the offence is serious. Present application is a successive application. There is no change in the circumstances. There are eyewitnesses to the incident. *Prima facie* evidence indicate the complicity of the applicant in commission of the crime. Hence, prayed for rejection of the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet indicates that the applicant is accused of committing murder, an offence. The postmortem report unequivocally confirms that the cause of death was due to head and neck injury, indicating a violent and deliberate act.

6. The Honourable Apex Court, in the 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 give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

7. Similarly, the Honourable 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.

8. The Honourable Apex Court, in the 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 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 showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

10. The Honourable Apex Court, in the 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. As far as the delay in trial is concerned, pursuant to the order of this Court, dated 02.02.2026, the status report in Sessions Case No.8 of 2023 is submitted by the trial Court, wherein it is indicated that the matter is under progress.

12. Although, the applicant has been in custody since 01.11.2022, the gravity of the offence and the *prima facie* evidence of the applicant's involvement outweigh the grounds for release. The parties are directed to cooperate in the expeditious conduct of the trial rather than filing intervening applications that hinder the progress in trial.

13. Considering the brutality of the crime, the strength of the circumstantial evidence, and the potential impact on the administration of justice, the prayer for bail is hereby rejected.

14. Needless to state 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.]

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