

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 50 OF 2026

Shivaji Balu Masal
VERSUS
State Of Maharashtra

Mr. Umesh Pawar, Advocate for Applicant
Dr. A. A. Takalkar, APP for the respondent-State

CORAM : SACHIN S. DESHMUKH, J.
DATE : 30th MARCH, 2026.

P. C. :

1. By this application, applicant is seeking regular bail in C.R. No. 284/2023 registered with Vishrambag Police Station, District Sangli for offences punishable under Sections 302, 452, 143, 145, 147, 149 of the Indian Penal Code and under Sections, 4 and 25 of the Arms Act.

2. On 9/04/2023, between 12:00 PM and 12:15 PM, a violent incident occurred at the residence of the deceased. The deceased and the accused were involved in a long-standing property dispute regarding their residential premises which led to frequent quarrels, same served as the motive for the crime. On the day of the incident, the accused persons allegedly formed an unlawful assembly with a common intention to commit murder.

3. Accused No. 5 (Laxmi Balu Masal) allegedly incited and instigated the other accused to kill the deceased while the deceased was taking her meal. Applicant herein armed with an iron sickle (koyta), along with three juveniles, entered the house. Juveniles in Conflict with Law were armed with lethal weapons including an iron chopper (sattur) and sickles (koyta).

4. Following the instigation by Accused No. 5, Accused No. 1 and the three juveniles launched a coordinated attack and inflicted multiple sharp-force injuries on the victim's head, neck, hands, and back, resulting in her death. After the assault, the assailants allegedly brandished their weapons to intimidate bystanders and prevent anyone from coming to the victim's aid before fleeing the scene.

5. Learned counsel for the applicant submits that the applicant is falsely implicated in the alleged incident and there is no direct evidence against the applicant. There is inordinate delay in registering the F.I.R. The investigation is complete and charge-sheet is filed. The applicant is in custody since 10/04/2023. As such, further detention of the applicant is unjustified. Hence, prayed to allow the application.

6. *Per contra*, learned APP opposed the application submitting that complicity of the applicant in a serious offence is rather surfacing. The prosecution witnesses have assigned specific role to the applicant and even the blood stained clothes and lethal weapons are also recovered at the instance of the applicant. As such, same dis-entitles the applicant to be admitted to the bail.

7. Upon considering the submissions of learned counsel for the applicant, learned APP and perusal of material on record including the charge-sheet, *prima facie* indicates that the applicant is arraigned as accused for a heinous offence of murder by assaulting the deceased with an iron sickle on various body parts of the deceased.

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, further perusal of the record *prima facie* indicates that the applicant alongwith co-accused formed an unlawful assembly and entered the house of the deceased and committed day light murder. The said fact is corroborated by the statement of witnesses particularly the son of the deceased. It is further alleged that there was a prior dispute between the parties in relation to a land. As such, there is prima facie motive on the part of the applicant. The allegations are further corroborated by the

multiple injuries sustained by the deceased as indicated in the post-mortem report.

13. Nonetheless, the Hon'ble Apex Court in the case of *X Versus State of Rajasthan and Anr (2024 INSC 909)*, has cautioned against granting bail in serious offences once the trial commences by observing the following:

“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”.

14. Given that the trial is under progress and the Trial Court is making an endeavour to conclude the trial at the earliest as well as considering the severity of the offence, I am not persuaded to exercise the discretion in favour of the applicant at this stage.

15. Resultantly, the application stands rejected.

[SACHIN S. DESHMUKH, J.]

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