

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 56 OF 2026**

Mahesh Yadigiri Miriyala

....Applicant

VERSUS

The State Of Maharashtra

....Respondent

Mr. D. M. Latake a/w Mr. Nikhil D. Gore, Advocate for Applicant

Mr. S. S. Chaudhari APP for the State

Ms. Pallavi Yadav, API, Hatkanangale Police Station

CORAM : SACHIN S. DESHMUKH, J.

DATE : 4th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 25 of 2024 dated 01/01/2024 registered with Hatkanangale Police Station, District Kolhapur for offences punishable under Sections 302, 201, 109 read with 34 of the Indian Penal Code.

2. Complainant Pandurang Yeshal lodged a complaint stating that he resides with his wife, Sau. Rukmini at Renuka Zopadpatti, Ichalkaranji. His elder son Shrikant lives separately at the same location with his wife and children. His younger son, Bharat (Age: 38), his wife Sau. Varalakshmi, and their children Usha, Amol, and Harish also live separately. For the last 10 years, Bharat has been operating a truck garage near Bhagat Singh Bage in Ichalkaranji. For his daily commute, Bharat used a Hero Company motorcycle, bearing registration number MH-09-ES-1727. Bharat was an occasional

consumer of alcohol. He used to travel to Ichalkaranji and surrounding villages at various hours of the night for truck repair work.

3. On 07/01/2024, at approximately 03:30 a.m., police personnel from the Hatkanangale Police Station arrived at complainant's house and began inquiring about Bharat. Consequently, complainant went to Bharat's house and woke up his wife, Sau. Varalakshmi. Upon inquiry, Varalakshmi informed him that at around 12:30 a.m., an unknown person called Bharat on his mobile phone for truck repair work, following which he left on his bike. When complainant asked the police about Bharat, he was informed that on the Korochi-Hatkanangale road, at a place called Chavan Tek, some unknown persons had assaulted Bharat with a sharp weapon, causing grievous multiple injuries. Complainant alongwith his son Shrikant, Bhausahab Kasbe, and other neighbors, accompanied with the police to Chavan Tek, Korochi, at approximately 04:00 AM. There, complainant saw his son Bharat lying in a pool of blood by the roadside. Doctors from the 108 Ambulance examined Bharat and after the examination, declared him dead. Bharat's motorcycle was also lying on the road near the body. After the police conducted a spot panchnama, the body was shifted to the Rural Hospital, Hatkanangale, for post-mortem.

4. Learned counsel for the applicant submits that case is premised on circumstantial evidence. There is no material indicating complicity of the applicant in the alleged incident. The applicant is entitled to be admitted to the bail on the ground parity since the co-accused no. 4-wife of deceased already enlarged on bail. In view of the fact that investigation is complete and charge-sheet is filed, application deserves to be allowed.

5. *Per contra* learned APP vehemently opposed the application submitting that the complicity of the applicant is evidence from the material collected during the course of investigation and the applicant is not entitled for the parity, in view of the role assigned to the present applicant. As such, prayed for rejection of the application.

6. Upon hearing the learned counsel for the applicant and learned APP, it is a case premised on circumstantial evidence, however, the material collected during the course of investigation *prima facie* establishes the complicity of the applicant in the alleged offence. The call details at the relevant point of time of the commission of offence between the present applicant and other co-accused sufficiently *prima facie* indicates the involvement of the present applicant. Apart from same, the attempt to screening of the offence is *prima facie* apparent. Multiple injuries i.e. inasmuch as 25 grievous injuries were inflicted on the person of the deceased

indicates the severity of the offence.

7. So far as the ground of parity is concerned, the same would not be available to the applicant in the wake of the fact that accused no. 4 is enlarged on bail, in the wake of protection available, being a lady under Section 480 of Bhartiya Nyaya Sanhita, 2023.

8. 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.

9. 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.

10. 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.

11. 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.

12. In *Neeru Yadav Vs. State of UP [(2016)15 SCC 422]*, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in heinous offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of *Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]*.

13. 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.

14. The Hon'ble Apex Court in case of *Satpal Singh Vs. State of Haryana [(2020)2 SCC 118]* that bail ought to be withheld, if prosecution has established the 'last seen together' circumstance alongwith corroborative material.

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. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

16. Considering the material currently available, a clear prima facie case is made out indicating the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that while considering bail application/s in serious offenses—such as pre-meditated murder—the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

17. So far as the submission of the learned counsel for applicant in relation to delay in trial, the same cannot be considered in isolation. As has been held by Hon'ble Apex Court in case of Amit Kumar (supra), the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

18. 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.)”

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."

19. Thus, the Hon'ble Apex Court has underscored the obligation of the Court when an earlier bail application has been rejected. A significant onus is placed on the Court while deciding a successive bail application/s to justify the grant of bail. The Court must specifically consider the grounds on which the previous application was rejected. If, after this consideration, the Court forms an opinion that bail should be granted, it must record explicit, specific reasons for doing so.

20. Thus, a clear *prima facie* case is established by the prosecution indicating the involvement and same being credible and supporting the accusation against the applicant, I am of the considered view that the discretion cannot be exercised in favour of the present applicant. In view of the aforesaid observations and having regard to the gravity of the offence, the applicant does not deserve to be admitted to the bail. Resultantly, the application does not warrant consideration and same stands rejected.

21. Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

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MASHAL

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