

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 95 OF 2026

Bibhishan Suresh Chavan

VERSUS

The State Of Maharashtra And Another

Mr. Sudeep Pasbola, Senior Advocate a/w Mr. Shailesh Chavan a/w
Mr. Aadesh Kale a/w Mr. Chinmay Godse a/w Mr. Sujit Nikam
Advocate for Applicant
Mr. P. P. Deokar APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 26th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 245/2024 dated 05/06/2024 registered with Koregao Police Station, District Satara for offences punishable under Sections 201 and 302 of the Indian Penal Code.

2. The informant, a Police Patil, lodged a report stating that on 04/06/2024 at about 5:30 p.m., one villager informed that the dead body of an unknown woman was found stuck in bushes in the water of a canal situated near the agricultural land. Accordingly, the informant visited the spot and informed the police.

3. After arrival of the police, the dead body was taken out with help of machinery. Upon inspection, it was noticed that the deceased an unidentified woman aged approximately 30–40 years old

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wearing certain ornaments and clothes with the hands tied behind her back with a scarf, and a nylon rope tied around her neck, indicating strangulation.

4. The informant suspected murder by strangulation and thereafter disposed of the body in the canal with an intention to descreen the evidence. An inquest panchanama was conducted, and the decomposed body was subjected to post-mortem examination. Accordingly, an offence bearing Accidental Death (A.D.) No. 89/2024 came to be registered against unknown persons.

5. Learned senior counsel for the applicant submits that the applicant is falsely implicated in the crime. The applicant was merely driver of the vehicle and was hired by the co-accused. That the applicant is arraigned as accused on the basis of the CCTV footage. There are inconsistencies in the test identification parade. Nothing is recovered at the instance of the applicant. Considering that the charge-sheet is filed, further incarceration of the applicant is unjustified.

6. In the process, learned senior counsel for the applicant relied upon the ratio in the case of *Zaid Rana Vs. The State of*

Maharashtra¹ contending that the earlier application was dismissed as withdrawn. As such, in the wake of the Zaid Rana (Supra), the present application may be heard on merits.

7. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The applicant shared common intent with the co-accused and has been identified on the basis of the CCTV footage. The applicant is involved in a grave offence of murder and considering the potential punishment, which may extend to life and prayed to reject the application. Apart from above, learned APP that present application being successive application, there is no demonstrable change. As such, prayed for rejection.

8. Having heard the submission from both the sides, and upon perusal of the record, including the charge-sheet indicates that initially the F.I.R. was lodged against an unknown person. During investigation, the name of the applicant surfaced and came to be arraigned as an accused for the offence of murder alongwith co-accused.

9. The Honourable Apex Court in case of ***Kalyan Chandra Sarkar***

¹ [SLP (CRL.) NO. 5685/2023]

*and Ors. Vs. Rajesh Ranjan and Ors*², 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.

² [(2004)7 SCC 528]

(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.”

10. 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.

11. The Hon'ble Apex Court, in the case of ***Pralhad Singh Bhati Vs. NCT, Delhi***³ held that on satisfaction of *prima facie* evidence establishing the guilt of the accused, the bail can be denied.

³ [(2001) 4 SCC 280]

12. Equally, the Hon'ble Apex Court, in the case of ***State of UP through CBI Vs. Amaramani Tripathi***⁴ 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.

13. The Hon'ble Apex Court, in the case of ***Mahipal Vs. Rajesh Kumar and Ors***⁵ 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.

14. Similarly, the Hon'ble Apex Court in case of ***Ram Govind Upadhyay Vs. Sudarshan Singh***⁶ has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

15. The Hon'ble Apex Court in case of ***Prasanta Kumar Sarkar Vs. Ashis Chatterjee***⁷ has held that the mechanical grant of bail reflects non-application of mind, and outlined crucial factors to be

4 [(2005)8 SCC 21]

5 [AIR 2020 SC 670]

6 [(2002)3 SCC 598]

7 [(2010)14 SCC 496]

considered, including *prima facie* reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

16. In view of the aforesaid precedents and upon further perusal of the record *prima facie* overwhelming record indicates that the deceased was last seen in the company of the applicant and co-accused and the applicant is seen to be driving the said vehicle and eventually, the dead body of the deceased came to be discovered. The applicant is the relative of the co-accused who allegedly had illicit relations with the deceased. Considering the overall circumstances, the provisions of Section 34 of the Indian Penal Code are *prima facie* attracted against the applicant. Apart from above, in absence of any change, much less, a demonstrable one, application does not warrant consideration.

17. In view of the aforesaid observations, I am not inclined to exercise the discretion in favour of the applicant.

18. Resultantly, application stands rejected.

[SACHIN S. DESHMUKH, J.]