

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

CRIMINAL BAIL APPLICATION NO. 170 OF 2026

NIHAL ASIF BAVA  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Petitioner : Mr. Yash G. Fadtare  
Advocate for Respondents : Mr. Nitin B. Patil  
...

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 09-03-2026**

**PER COURT:-**

1. The applicant seeks regular bail in connection with FIR bearing Crime No. 138 of 2025 dated 23.07.2025 registered with M.I.D.C Kupwad Police Station, District Sangli, for the offences punishable under Sections 103(1), 3(5) of the *Bhartiya Nyaya Sanhita, 2023*.

2. The prosecution case is that on 23.07.2025, at 7.00 a.m., the informant was received a call that his brother had been injured near Swami Samarth Mandir, Krishnanagar. Upon arrival, a crowd and police already gathered at the scene. The brother of the informant had sustained multiple injuries and was rushed by ambulance to Miraj Civil Hospital, where the injured was declared dead. Subsequently, it was

later discovered that the victim had been assaulted with dangerous weapons by the applicant and the co-accused.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. The informant is not an eyewitness. The complaint is based solely on hearsay, as the case rests on circumstantial evidence. There is no established motive for the applicant to commit the crime, nor is there any evidence connecting the applicant to the alleged offence. As the investigation is complete and the charge-sheet has been filed, prayed that the applicant may be admitted to bail.

4. The learned APP has vehemently opposed the application, contending that the applicant is an accused in a brutal murder. The witnesses statements, *prima facie*, indicates the applicant's involvement in the serious offence, further placing the deceased in the company of the accused immediately prior to the death. Additionally, the prosecution highlights seizure of blood-stained clothing as incriminating evidence. As such, prayed for the rejection of the application.

5. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of

murder which is punishable with imprisonment for life. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Others vs. Rajesh Ranjan and others, [(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.)"*

6. 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.

7. 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.

8. 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.

9. 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.

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.

11. Taking into account the material available on record collected by the prosecution, a *prima facie* case is made out, indicating involvement of the applicant. The record *prima*

*facie* indicates that the applicant along with co-accused was last seen in the company of the deceased. As per the allegations, the deceased was assaulted with lethal weapons and around 26 injuries were noted in the postmortem report. Thus, the nature, multiplicity and the distribution of the injuries *prima facie* suggest participation of accused assailant.

12. Considering the statements of the witnesses, the last scene together circumstance and the medical evidence indicating a brutal assault with multiple weapons, this Court finds *prima facie* material indicating the complicity of the present applicant in the crime.

13. Having regard to the grave nature of the offence and the potential punishment of life imprisonment or death coupled with the statements of the witnesses, the possibility of the applicant influencing or intimidating the witnesses or otherwise evading the trial cannot be ruled out.

14. Resultantly, the bail application stands dismissed.

[SACHIN S. DESHMUKH, J.]