

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

CRIMINAL BAIL APPLICATION NO. 172 OF 2026

SABIR ALIAS SOHEL SHARIF MUKADAM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Tanvii Tapkire
Advocate for Respondents : Mr. P. P. Deore
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-05-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime dated 02.07.2024 bearing Crime No.190 of 2024 registered with Kingaon Police Station, District Latur, for the offences punishable under Sections 103(1), 49 of the Bhartiya Nyaya Sanhita, 2023. In the said crime, the applicant was arrested on 02.07.2024. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that the applicant and accused No. and 2 are alleged to have murdered of the complainant's brother, Samir. On 14/04/2025, around 7:00 p.m., Samir was at home while the complainant and her husband left to deliver meals to a relative at Shaha Hospital. Upon their return at 9:30 p.m., Samir was missing. The complainant contacted Samir via phone, who

informed her that accused No. 1 had invited him to the R.T.O. ground to consume liquor. During the call, the complainant overheard a commotion. When questioned, Samir mentioned a quarrel between accused No.1 and the applicant, stating he would return after mediating the dispute. Subsequently, at 10.27 p.m., the complainant's son received a call from Ashpak Nadaf (Samir's brother-in-law) informing that Samir had been attacked and admitted to the Civil Hospital. They rushed the hospital and revealed that Samir had succumbed to injuries on his chest and head. Hence, the report filed.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the crime. The investigation is completed and the chargesheet is filed. There are material discrepancies between the CCTV footage obtained by the investigating agency and the statement of witnesses. There is no sufficient material to indicate the complicity of the applicant. Hence prayed to allow the application.

4. Learned A.P.P. has strongly opposed the application submitting that the offence is of serious nature and that there is overwhelming evidence against the applicant. Further expressed the apprehension that the applicant if released on bail may influence or tamper the witnesses.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet, *prima facie*, establishes through a combination of the "last seen" theory and direct electronic evidence. The complainant's statement confirms that the deceased was in the company of the applicant and Accused No. 1 at the R.T.O. ground shortly before his death, a fact corroborated by a contemporaneous phone call where a heated altercation was overheard. This verbal account is further bolstered by the recovery of CCTV footage by the investigating agency, which reportedly captures the applicant's involvement in the commission of the offence.

6. Thus, *prima facie*, there is a strong link between the applicant and the crime. The nature of the offence is characterized by extreme brutality, as evidenced by the medical findings and the visual record of the incident. The deceased sustained fatal injuries to the chest and head, indicating a pre-meditated and calculated intent to cause death rather than a spontaneous act of passion.

7. 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.*)

8. Similarly, the Hon'ble Apex Court in 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 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 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.

11. 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.

12. In light of the aforesaid precedents and the gravity of the accusations, this court finds that the *prima facie* evidence against the applicant is both compelling and substantive. The "last seen" evidence provided by the complainant, coupled with the overheard altercation, establishes a direct temporal link between the applicant and the deceased as well as the CCTV footage which depicts a murder of such extreme brutality that it underscores a deliberate and heinous intent.

13. Considering the severity of the punishment for the alleged offence and the high risk that the applicant may intimidate witnesses or tamper with the integrity of trial, consequently, I am

not inclined to exercise discretion in favor of the applicant.

14. Accordingly, the criminal bail application is rejected.

15. 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]
JUDGE

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