

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

CRIMINAL BAIL APPLICATION NO. 184 OF 2026

Kumar @ Khandu Maruti Waghmode

VERSUS

The State of Maharashtra And Anr.

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Mr.Paras Yadav a/w Mr. Anirudha Kulkarni, Advocate for Applicant.
Mr. S. H. Yadav, APP for the Respondent - State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 268 of 2024 dated 20.04.2024 registered with Vadgaon Police Station, District Kolhapur, for the offences punishable under Section 302 of the *Indian Penal Code*.

2. The prosecution case is that on 20th April 2024, at about 12:15 p.m., the applicant/accused allegedly committed the murder of the deceased. The applicant and deceased were residents of the same village and were known to each other. The deceased operated a chicken shop located directly opposite the residence of the applicant. It is alleged that an illicit relationship had developed between the deceased and the applicant's wife due to their

proximity. Despite several warnings from the applicant, his family, and local villagers to desist from this relationship, no change in their conduct was observed.

3. On 20.04.2024 at about 11:00 a.m., the deceased left to meet Sandip Waghmode on a motorcycle to inspect some buckling near Ambedkar Nagar. As the deceased lowered down the speed of motorcycle due to speed breaker, the applicant, who was grazing goats, intercepted the deceased armed with a sharp-edged weapon (an Axe), launched a violent assault, striking the deceased on the neck and shoulder. These injuries proved fatal, resulting in the immediate death. Hence, the report.

4. The learned Counsel for the applicant submits that the incident occurred at the spur of the sudden provocation. It is contended that there was no premeditation on the part of the applicant while inflicting the blow upon the deceased. It is further submitted that the applicant is required to attend to his ailing mother. Furthermore, as the investigation is complete and the charge-sheet has been duly filed, and since the trial is not progressing, the learned Counsel contends that these circumstances entail the applicant to be admitted to bail.

5. Per contra, the learned APP opposed the application, submitting that the act of the applicant was premeditated. It is contended that the applicant delivered a blow to the deceased using the sharp edge of an axe, which resulted in the victim's death. The learned APP further emphasized that the potential punishment for such an offence is punishable for imprisonment for life or death.

6. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet, *prima facie* the fact remains that the applicant has inflicted the blow from the sharp end of the axe which has resulted into death of the victim. The subsequent conduct of the applicant also needs to be taken into account, since the applicant fled from the spot immediately after inflicting the blow on the deceased.

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 view of the aforesaid aspects, further perusal of the record indicates that the applicant had suspected that the deceased had illicit relationship with his wife. The said fact is corroborated by the statement of informant, who has narrated a prior incident of having warned the deceased to maintain distance from applicant's wife. As such, *prima facie* there is motive on the part of the applicant. The weapon used in commission of the offence is also recovered at the instance of the applicant.

13. Thus, considering the totality of the facts and circumstances stated herein-above, and the complicity of the applicant as noted by the eyewitnesses to the incident, this Court is of the opinion that the act of inflicting a blow on a vital part with a lethal weapon disentitles the applicant to the grant of bail.

14. Resultantly, the application stands rejected.

15. Needless to state, the observations made herein are confined to the adjudication of the present application. The trial court shall proceed with the trial on its own merits, uninfluenced by any observation made in this order, and in accordance with the law.

[SACHIN S. DESHMUKH, J.]