

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 190 OF 2026

KASHINATH GORAKH KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Tejas Hilage (Appointed through Legal Aid)

APP for Respondents-State : Mr. A. S. Shalgaonkar

CORAM : SACHIN S. DESHMUKH, J.

Date : 8th April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 13.02.2020 bearing Crime No. 81 of 2020 registered with Umbraj Police Station, Dist. Satara for the offences punishable under Sections 394, 302 and 201 read with 34 of the Indian Penal Code.

2. The prosecution's case is that the on 13.02.2020, Nanaso Vishnu Shelar, a retired Indian Army soldier and security guard, reported a fatal incident involving his sister-in-law, Suman Shankar Shelar, at the Umbraj Police Station. Earlier that afternoon at around 15.00, Nanaso encountered Suman at their sugarcane

field in Malwadi, Karad, where she had come to manage water for her crops. Shortly thereafter, at approximately 15.30, Nanaso observed a slender man approximately 30 years of age, walking along the field boundary. Assuming the individual was hunting sandalwood, Nanaso did not intervene and left for his work shift at 17.30.

3. Thereafter, approximately at 18.00, Nanaso received a call informing him that deceased Suman's slippers, bag, mobile phone, and a gold earring were found abandoned amidst bloodstains in the forest area. Villagers subsequently discovered Suman's body submerged in a stream.

4. The prosecution case asserts that this unidentified individual intercepted Suman Shelar, robbed the gold mangalsutra from her neck, and murdered her by striking her with a stone and other objects. The accused then tied and submerged her remains in the stream with the specific intent of destroying evidence of the robbery and homicide.

5. In the aforesaid backdrop, the learned counsel for the applicant contends that the applicant has been falsely implicated in

the offence. The entire case rests on the circumstantial evidence. Considering that the investigation is complete and the charge-sheet has been filed, continued incarceration is unjustified. The arrest of the applicant has been effected on 14.02.2020 and since then, he is in jail. Hence, prayed to release the applicant on bail.

6. The learned APP submits that the prosecution has cited material witnesses. It is further submitted that the Investigating Officer has seized various articles from the spot and there is substantial evidence against the present applicant indicating the complicity of the applicant. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution witnesses. Hence, prayed to reject the application.

7. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Hon'ble 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 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. 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, *prima facie*, 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. 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 offence.

13. Upon a perusal of the record, *prima facie*, it is evident that the accusations against the applicant are of an extremely grave and heinous nature. The prosecution has established a strong *prima facie* case through consistent statements from multiple witnesses, including the informant and neighbors who observed an individual matching the applicant's specific description in the immediate vicinity of the crime scene.

14. The nature of the evidence collected *prima facie* indicates a high degree of gravity in the commission of the alleged offence. The medical reports and the recovery of material objects at the instance of the accused point towards a calculated attempt to cause the disappearance of evidence. Considering that several material witnesses are from the same locality as the accused, there is a reasonable apprehension that the liberty of the applicant could jeopardize the integrity of the prosecution's case.

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 the prosecution has demonstrated its commitment to concluding proceedings expeditiously. Considering the seriousness of the offences charged, the extensive material evidence presented weighs overwhelmingly against the applicant.

16. Considering the material on record, a clear prima facie case has been established regarding the applicant's involvement. Given the conduct of the applicant, there is a significant likelihood that the applicant will attempt to tamper with witnesses if released on bail. The Hon'ble Apex Court has consistently reiterated, when dealing with serious offences such as premeditated murder, the court must prioritize the nature of the charges and the weight of the evidence. In addition to the aforementioned grounds, the applicant's history of similar discretionary offences further justifies the denial of bail.

17. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is **rejected**.

18. Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

19. The High Court Legal Services Committee, Bombay High Court, Circuit Bench at Kolhapur to pay the fees quantified at Rs. 10,000/- (Rs. Ten Thousands Only) to the learned counsel appointed on behalf of applicant / accused.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi