

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

CRIMINAL BAIL APPLICATION NO. 199 OF 2026

Kishor Prakash Mohite

VERSUS

State of Maharashtra And Anr

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Mr. Satyajeet M. Mirajkar, Advocate for Applicant

Mr. Nitin. B. Patil, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 92 of 2021 dated 01.08.2021 registered with Kundal Police Station, District Sangli for the offences punishable under Sections 302, 307, 326, 323, 324, 143, 144, 147, 148, 149, 504 and 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

2. The prosecution case is that on 01.08.2021 at about 02:45 p.m., the sisters of the complainant approached accused Sangita and Vanita to question as to why complaint is lodged against their own relatives following a prior physical altercation. While responding,

the accused persons, namely Pravin armed with a knife, Aditya, Vijay and Kishor armed with a gupti, Himmat armed with a large knife, Vanita armed with a sickle, Sangita armed with a stone and Madhukar armed with an iron pipe, rushed out of their house and, in furtherance of their common intention, approached the complainant and others while shouting threats that they would not spare them and would kill them.

Thereafter, the said accused persons abused the complainant and launched a violent assault upon the complainant and his relatives by means of the aforesaid deadly weapons, thereby causing grievous injuries. During the course of the said assault, the accused persons committed the murder of three persons. Hence, the report.

3. Learned Counsel for the Applicant submits that the applicant has been falsely implicated in the alleged crime and that the similarly situated co-accused have been released on bail by the Trial Court. It is further submitted that the allegations levelled against the Applicant are exaggerated and an afterthought. The Applicant has been in custody since his arrest on 02.08.2021 and, considering

that the investigation is complete, his further incarceration is unjustified.

4. Per contra, the learned A.P.P. has vehemently opposed the application, submitting that the applicant is involved in a serious offence which has resulted in the death of three persons. There is sufficient material on record, including the statements of witnesses, to demonstrate the complicity of the applicant in the crime. Hence, it is prayed that the application be rejected.

5. Having heard the submissions from both sides and upon perusal of the material on record, including the charge-sheet, it appears that the applicant has been arraigned as an accused for the offence of murder for which potential punishment is with imprisonment for life or death.

6. 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.)

7. 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.

8. 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.

9. 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.

10. 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.

11. As far as the aspect of parity is concerned, the Hon'ble Apex Court in the case of ***Sagar Vs. State of U.P.***¹ has cautioned against treating parity as a sole ground for bail and has cast a burden upon the Court to consider other relevant aspects while deciding the application for bail.

12. In light of the aforesaid facts and precedents, a further perusal of the record *prima facie* indicates that there are specific allegations against the applicant of carrying a *Gupti* and assaulting with it. The said fact is supported by the injured eye-witness and the injury certificate. Moreover, the consequential recovery of the weapon has been effected at the instance of the applicant. Considering that there was a prior altercation between the parties which resulted in the present assault, there also appears to be a *prima facie* motive on the

¹ 2025 INSC 1370

part of the applicant. Thus, on the basis of the material collected during investigation, the prosecution has prima facie established a case against the applicant.

13. Resultantly, the application is rejected.

[SACHIN S. DESHMUKH, J.]