

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

CRIMINAL BAIL APPLN. NO. 288 OF 2026

Pratik Alias Bablu Hari Prakshale
VERSUS
The State Of Maharashtra And Another

Mr. Salman Pathan, Advocate for Petitioner
Mr. Anand S. Shalgaonkar APP for the Respondent-State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 22nd APRIL, 2026.

P. C. :

1. By this application, applicant is seeking regular bail in C.R. No. 28/2023 registered with Pandharpur Taluka Police Station, District Solapur for offences punishable under Sections 307, 323, 506, 143, 147, 148 r/w 149 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) of The Maharashtra Control of Organised Crime Act, 1999. (Hereinafter referred to as 'MCOC Act').
2. Prosecution case is, there were prior monetary transactions between the complainant and Applicant. The said amount had already been repaid by the complainant; however, Applicant continued to demand money from the complainant. On 15/01/2023 Applicant called the complainant near the village boundary.

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Accordingly, the complainant along with one Somanath Salunke proceeded on a motorcycle and, while they were on their way towards their house, Applicant along with other accused persons, formed an unlawful assembly and wrongfully restrained them. Thereafter, accused No. 3-Vikrant Mane assaulted the complainant, and accused No. 2-Somnath Khankal delivered a forceful blow on the complainant's back. Accused Nos. 4-Nikhl Rajurkar and others also assaulted the complainant by kicks and fist blows. At that time, Applicant inflicted a forceful blow on the complainant's abdomen with knife causing grievous injuries. Hence, the report came to be lodged.

3. Learned counsel for the Applicant submits that the Applicant is falsely implicated in the alleged crime. There are general and vague allegations against the Applicant and is merely arraigned as an accused based on suspicion. Investigation is completed and charge-sheet has been filed. As such, further detention of the Applicant is not required.

4. Learned APP has opposed the Application submitting that the offence is serious in nature and the provisions of MCOC Act are attracted against the Applicant. There are several criminal

antecedents against the Applicant. As such, prayed to reject the Application.

5. Having heard the submissions from both the sides and upon perusal of the record including the charge-sheet indicates that the Applicant alongwith co-accused has committed aggravated assault against the victim. There are several criminal antecedents against the Applicant of similar and much severe other offences.

6. 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.)”

7. The Hon’ble Apex Court in the case of ***X Versus State of Rajasthan and Anr (2024 INSC 909)***, wherein the Hon’ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or High Court should be loath in entertaining the bail application of the accused”.

8. 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 offense.

9. 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 collected overwhelming evidence against the present applicant.

10. 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.

11. 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.

12. 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.

13. 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 further the prosecution has demonstrated the efforts to conclude the trial.

14. In **Neeru Yadav Vs. State of UP [(2016)15 SCC 422]**, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in heinous offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]**.

15. In view of the aforesaid precedents and further perusal of the

record indicates that the Applicant is a habitual offender and alongwith the co-accused has committed an offence amounting to attempt to murder and *prima facie* there is overwhelming evidence against the Applicant. Moreover, the Trial Court is making an endeavour to conclude the trial at the earliest. Given the several other antecedents as well as the role of the Applicant in the alleged crime coupled with the potential punishment, the possibility of the Applicant evading trial or committing another offence cannot be ruled out. Thus, I am not inclined to exercise discretion in favour of the Applicant.

16. Resultantly, the Application stands rejected.

[SACHIN S. DESHMUKH, J.]