

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

CRIMINAL BAIL APPLICATION NO. 309 OF 2026

Sanjay Laxman Patharvat

VERSUS

The State of Maharashtra And Another

...

Mr. Pratik Tare i/by Mr. Sachin Y. Mane, Advocate for Applicant.

Dr. Ashvini A. Takalkar, APP for the Respondent-State.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th MAY, 2026

P. C. :

1. The applicants seek regular bail in connection with C.R. No. 384 of 2025 of dated 22.10.2025 registered with Jayasingpur Police Station, District Kolhapur for the offences punishable under Sections 103(1), 46, 238, 189(2), 189(4), 191(1), 191(2), 191(3) of the *Bhartiya Nyaya Sanhita, 2023* (BNS) and Section 135 of the Maharashtra Police Act.

2. The case of the prosecution is that on the intervening night of 21st and 22nd October 2025, the deceased was in the company of the complainant and his friend near Malu School in Jaysingpur. At approximately 02:15 a.m., while they were proceeding towards the

residence of Mahesh Mane in Lane No.13, were intercepted by a group of co-accused along with the applicant. It is alleged that the accused persons, harbouring prior enmity, began verbally abusing the deceased. Upon the instigation of the present applicant, who exhorted the group to “not leave him alive,” the accused launched a coordinated physical assault. Accused No. 1 allegedly produced a knife from his waistband and stabbed the deceased in the abdomen, while Accused No. 2 inflicted further stab wounds to the chest. The other named accused purportedly restrained the victim and the witnesses to facilitate the commission of the crime and prevent any intervention. Hence, the report was lodged with the concerned police station.

3. The learned counsel for the Applicant submits that the applicant is falsely implicated in the alleged crime. The allegation of assaulting with knife is levelled against the co-accused and nothing is recovered at the instance of the present applicant. The only role attributed against the applicant is that of assaulting with fist and kick blows. The applicant is in custody since his arrest on 22.10.2025. The trial is likely to take considerable period. Hence, prayed to allow the application.

4. Per contra, the learned APP vehemently opposed the application, submitting that the applicant along with co-accused has committed murder and there is overwhelming evidence obtained by the Investigating agency. The applicant has other criminal antecedents. Further expressed an apprehension that if the applicant is released on bail, there is a possibility of influencing or threatening the witnesses.

5. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet *prima facie* indicates that the applicant along with co-accused have assaulted the deceased on account of a prior dispute with fist and kick blows as well as knife, thereby committing murder.

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. In view of the aforesaid facts and precedents, in the instant case, the applicants have *prima facie* formed an unlawful assembly and have committed murder of the deceased. The said fact is further corroborated by the witnesses to the incident. The presence or the relation of the applicant with the co-accused is not disputed at the spot of incident. Considering the nature of allegations and severity of offence, the acts of the present applicant *prima facie* satisfy the offence under Section 189 of the BNS.

12. The Hon'ble Apex Court in the case of **Sitaram Kuchhbedia v. Vimal Rana and Others¹** wherein it is held that :

“66. Once it is established that an unlawful assembly existed and the accused-respondents intended to commit murder of deceased-Bhaggu in furtherance of the common object of such assembly, the individual attribution of the fatal injury fades into insignificance. It is trite law that Section 149 IPC embodies the principle of vicarious liability and renders every member of an unlawful assembly guilty of the offence committed in prosecution of the common object.”

¹ 2026 INSC 178

13. Apart from the aforesaid aspects, there are other criminal antecedents, particularly an offence under Section 307 of the Indian Penal Code pending against the applicant.

14. In view of the aforesaid findings, the plea of delay in trial is of no avail to the applicant. Since, the Hon'ble Apex Court in case of *X versus State of Rajasthan and Anr.*² has cautioned against granting bail in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution witnesses are being examined.

15. Resultantly, I am not inclined discretion in favour of the applicant. Accordingly, Bail Application stands rejected.

[SACHIN S. DESHMUKH, J.]