

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

CRIMINAL BAIL APPLN. NO. 353 OF 2026

Sajiad Rajak Sayyad
VERSUS
State Of Maharashtra And Anr.

Mr. Ritesh Thobde i/b Mervin Bardeskar, Advocate for Petitioner
Mr. Anand S. Shalgaonkar, APP for the Respondent-State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 5th MAY 2026.

P. C. :

1. By this Application, the Applicant is seeking regular bail in connection with C.R. No. 672/2024 registered with M.I.D.C. Police Station, Solapur District: Solapur for offences punishable under Sections 103 and 109 of Bhartiya Nyaya Sanhita, 2023 and under Sections 4 and 25 of The Arms Act, 1959.

2. Prosecution case is, on 23/09/2024, the complainant received information that her son had been assaulted with a knife and admitted to Civil Hospital, Solapur. Upon inquiry, it was revealed that applicant attacked her son with an intention to kill him, causing multiple injuries on his body and head. The victim was initially

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taken to Civil Hospital and thereafter, shifted to Ashwini Hospital for further treatment due to the seriousness of his condition. After arranging for his medical treatment, the complainant approached the police station and lodged the report.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the crime. There is no motive on the part of the applicant. There are contradictions in the statements of the witnesses with regard to the use of weapon. The alleged CCTV footage does not capture the actual incident of assault. The dying declaration is recorded at a belated stage and the same is not reliable. The applicant is in custody since his arrest on 23/09/2024. Given that investigation is complete, prayed to allow the application.

4. Learned APP has opposed the application submitting that the offence is serious in nature. There are eye witnesses as well as CCTV footage of the alleged incident. Given the overwhelming evidence against the applicant, a *prima facie* case is established. Hence, prayed to reject the application.

5. Having heard the submissions from both the sides and perusal

of the record, *prima facie* indicates that the prosecution has obtained an overwhelming evidence against the applicant for the offence under Section 103 of the Bhartiya Nyaya Sanhita, 2023.

6. The Honourable 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 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 ***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. 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 indicating 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.

9. 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.

10. In view of the aforesaid precedents, further perusal of the record indicates that the dying declaration is made by the deceased,

while the alleged assault is witnessed by the persons present at the spot. Moreover, the CCTV footage further substantiates and corroborates the chain of events leading to the assault. Considering the post-mortem report, injury certificate as well as the weapon recovered at the instance of the applicant, *prima facie* establishes the intent under Section 103 of the Bhartiya Nyaya Sanhita, 2023 to commit murder.

11. Given the sequence of events, severity of the offence, coupled with the potential punishment, I am of the considered opinion that there is a possibility that the applicant may threaten the witnesses or flee away, thereby frustrating the purpose of trial.

12. Resultantly, the application stands rejected.

13. Needless to state that the observations rendered herein are limited only to the extent of the decision of this application and the trial Court, in my manner, shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]