

MHKO010012302024.



**ORDER BELOW EXH.8 IN SESSIONS CASE NO. 91/2025**

**Abhishaikh Manjunath Mali ... Applicant-accused No.1**

**Atul Subhash Shinde ... Applicant-accused No.2**

**Vs.**

**State of Maharashtra ... Opponent.**

**Through Juna Rajwada P. S.**

1. This is a successive bail application filed by the accused Nos. 1 and 2. The earlier bail application filed at Exh.4 was rejected on 07/07/2025.

2. The accused are seeking bail on the grounds that, they have not committed any offence as alleged, the prosecution has not attributed any motive behind commission of the alleged offence, there is no direct or indirect evidence against the accused and the accused are implicated after lapse of more than 4-5 months of the incident. It is also contended that, there is inordinate delay in lodging the FIR, no proper identification parade has been conducted to establish identity of the culprits, there is no C.A report. It is further contended that, the accused are from poor families and they are the only bread earners of their families. They are

behind bars since long and their detention without trial means punitive detention. It is also contended that, while rejecting the earlier bail application, a specific direction was given that, the prosecution shall complete recording of evidence before 30/11/2025, but since then no progress has been made and not a single witness has been summoned.

3. The application is resisted by the State on the grounds that, two weapons used in the offence have been recovered at the instance of accused No.2 Atul Shinde and it appears that, with a view to cause disappearance of the evidence, the accused have decapitated the body. It is also contended that, opinion is received from the concerned medical officer that, the injuries are possible with the use of the seized weapons. It is further contended that, the earlier bail application has been rejected on 07/07/2025 and the accused, if released on bail, may pressurize the witnesses.

4. I have heard the Ld. Advocate Shri. Khotlande for the accused and the Ld. APP Smt. Patil for the State at length.

5. The Ld. Advocate for the accused has taken me through the police papers and submitted that, the case is based on circumstantial evidence and the evidence is not at all sufficient to connect the accused persons with the crime. He also vehemently submitted that, there is no direct or

indirect evidence and there are no witnesses on the point of last seen. He then submitted that, there is inordinate delay in lodging the FIR and there is no concrete evidence as to the cause of death, as the head of the dead body is not traced out. He also submitted that, the accused are from poor families and they are behind bars since long. He also pointed out that, at the time of rejection of the earlier bail application, this Court had given liberty to the accused to apply for bail afresh, in case, the prosecution does not complete its evidence on or before 30/11/2025. In support of his submissions, he has relied upon the rulings in **D Hussainara Khaton Vs. Home Secretary, State of Bihar [ (1980) 1 SCC 81]. ii) Kashiram Bhikanrao Shirsath Vs. State of Maharashtra [2002 (3) Mh. L. J. 196( Bom.HC)] III) Akhtari Bi Vs. State of M.P [(2001) 4 SCC 355 IV) Daulat Ram Vs. State of Maharashtra [2019 SCC Online Bom 458 V) Ganesh Raut Vs. State of Maharashtra[2021 SCC Online Bom.813].**

6. Per contra, the Ld. APP has vehemently submitted that, there is recovery at the instance of the accused persons and two deadly weapons (Edkas) have been recovered. She pointed out that, the report of D.N.A establishes identity of the dead body and submitted that, though there is no direct evidence, there is ample indirect/circumstantial evidence to connect the accused persons with the crime in question. She

also submitted that, the earlier bail application has been rejected on merits and considering the gravity of the offence, the accused are not entitled to bail.

7. I have given thoughtful consideration to the submissions made on behalf of the parties.

8. Admittedly, after filing of the charge-sheet, the accused had applied for bail and the said application has been rejected by my Ld. Predecessor on 07/07/2025. Therefore, various submissions made on behalf of the accused as regards the merits of the case need not be gone into. The only point that is to be considered is, whether the accused are entitled to bail on the ground that, the prosecution has not been able to complete the evidence as observed in the earlier bail order. It is pertinent to note that, the charge-sheet was submitted on 22/03/2025 and the case was committed for trial to this Court on 21/04/2025. The charge was not yet framed when the earlier bail application was decided. Since 23/07/2025, the matter was at the stage of framing of charge. On some dates, the accused were not produced by the Jail Authorities. On 12/11/2025, time was granted on the oral request of the Ld. Advocate for the accused and the present application was moved on 04/12/2025. The prosecution has shown willingness to complete the evidence as expeditiously as possible after

charge is framed. The offence is heinous and provides for the maximum punishment under the Code. Since the charge could not be framed, the prosecution cannot be blamed for not adducing evidence. It is also seen that, the case was earlier pending before the then District Judge-1 & Addl.Sessions Judge. Thereafter, it was transferred to the Court of the then District Judge-4 & Addl.Sessions Judge and since taking over charge by me as District Judge-2 & Addl. Sessions Judge on 05/02/2026, the case is before this Court.

9. As far as the rulings relied upon by the Ld. Advocate for the accused are concerned, those rulings are in regard to right of the accused of speedy trial and grant of bail in case of inordinate delay in trial. I have already discussed that, the evidence could not be recorded as the charge was not framed and considering the gravity of the offence and readiness shown by the prosecution to complete the trial expeditiously, I do not deem it fit to grant bail to the accused. Hence, I proceed to pass the following order:

**ORDER**

The application is rejected.

Kolhapur.  
Date : 18/02/2026.

(R. V. Utpat)  
Additional Sessions Judge,  
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs. S. R. Tambvekar
Name of Court	Mr. R. V. Utpat Additional Sessions Judge, Kolhapur.
Date of Dictation	18/02/2026
Order signed by the P.O. on	18/02/2026
Order uploaded on	18/02/2026