

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 841 OF 2026**

Sagar Laxman Kharat ...Applicant

Versus.

The State of Maharashtra and Others ...Respondents

Mr. R. V. Bansode (through VC) a/w Sheetal Ubale, Mohan Chavan,
Sumit Dhanawade, Indrajeet Babar, Advocate for the Applicant.

Mr. C. D. Mali, APP for the Respondent Nos. 1 and 3.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th September, 2026.

P.C. :

1. Heard, Mr. R. V. Bansode, learned Advocate for the Applicant and
Mr. C. D. Mali, learned APP for the Respondent Nos. 1 and 3.

2. By the present Application, filed under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks bail in
connection with C.R. No. 582 of 2025, registered at Malshiras Police
Station, Solapur, for offences under Sections 309(6) and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. Mr. R. V. Bansode, learned advocate for the Applicant, states that
there are three (3) Accused in Crime No. 582 of 2025. The Applicant is
Accused No. 1. He further states that Crime No. 582 of 2025 is
registered as Sessions Case No. 5 of 2026 and is pending before the

Additional Sessions Judge, Malshiras (Trial Court).

4. The prosecution alleges that the Accused in C.R. No. 582 of 2025 committed theft and robbery on 05.11.2025 and that in the said robbery, the Accused took the Informant's gold.

5. The Applicant was arrested on 07.11.2025. The Bail Application filed by the Applicant at Exhibit-4 in Sessions Case No. 5 of 2026 was rejected by the Trial Court on 27.03.2026.

6. Mr. R. V. Bansode, learned Advocate for the Applicant, submits that the allegations in the crime, of gold being stolen are against all the Accused. He submits that the stolen gold was recovered at the instance of Accused No. 3 and Accused No. 2. He further submits that no gold was recovered at the instance of the Applicant. He further submits that Accused No. 3 was released on bail by this Court in Criminal Bail Application No. 428 of 2026 on 28.07.2026. He tenders a photostat copy of the order dated 28.07.2026 passed in Criminal Bail Application No. 428 of 2026. The same is taken on record and marked "X" for identification. He submits that the allegations against the Applicant relate to participation in the crime, whereas the allegations against Accused No. 3 relate to participation and the recovery of gold. He

therefore submits that the Applicant seeks bail on the ground of parity.

7. Mr. C. D. Mali, learned APP for the Respondent - State, submits that the allegations against all the Accused in C.R. No. 582 of 2025 are similar and identical. He further submits that the gold has been recovered at the instance of Vikas Nagnath Shinde (Accused No. 3) and Gautam Kale (Accused No. 2). He submits that the Applicant has threatened the Informant. He submits that the police recovered the sickles from the Applicant. He submits that the Applicant has two antecedents.

8. Mr. R. V. Bansode, learned advocate for the Applicant, by referring to the Affidavit of Disclosure, submits that of the two offences, one pertains to Sections 269 and 118 of the Indian Penal Code, 1860, in which the Accused has been discharged, whereas the second offence (FIR No. 80/2025) pertains to offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in which the Applicant is on bail. He further submits that the sickles recovered from the Applicant were not used in committing the offence.

9. Perused the record and order dated 28.07.2026, passed in Criminal Bail Application No. 428 of 2026.

10. The involvement of the Applicant in C.R. No. 582 of 2025 is similar to that of Vikas Nagnath Shinde (Accused No. 3), as submitted by Mr. R. V. Bansode, which statement of fact is not contested by Mr. C. D. Mali, learned APP for the Respondent – State. The difference sought to be made out between Accused No. 3 and the Applicant is that the Applicant has threatened the Informant.

11. Accused No. 3, on the same set of allegations as against the Applicant, with the addition of the recovery being made at his instance, has been released on bail. There is no material placed on record to demonstrate any distinguishing circumstances that would warrant a different view in the case of the Applicant.

12. In such a situation, Mr. R. V. Bansode, learned Advocate for the Applicant, would be justified in seeking bail on the ground of parity.

13. In view of the above, the submissions made by the learned Advocates, the continuation of the Applicant in jail pending the trial in Sessions Case No. 05 of 2026 is not warranted.

14. This Application is allowed on the following terms :-

(a) Applicant is directed to be released on Bail in

connection with C.R. No. 482 of 2025, registered with Malshiras Police Station, upon furnishing a P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties, in the like amount, to the satisfaction of the Trial Court, in Sessions Case No. 5 of 2026.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence.

(c) Applicant shall, within three (3) days of his release from jail, provide to the Investigating Officer, Malshiras Police Station, Solapur, his residential address with proof, the contact numbers and must inform the Investigating Officer about the change in the same from time to time.

(d) Applicant shall report to the Investigating Officer, Malshiras Police Station, Solapur, on the 2nd and 4th Monday of each month, commencing from 21.09.2026, until further orders from the Trial Court in Sessions Case

No. 5 of 2026.

(e) The Applicant shall regularly appear before the Trial Court, Malshiras, in Sessions Case No. 05 of 2026, as and when the matter is fixed, unless specifically exempted. If the Applicant fails to appear before the Trial Court, on the date fixed, it shall be deemed a breach of condition, and the Trial Court, shall be at liberty to pass appropriate orders.

(f) Applicant shall not enter the territorial jurisdiction of the Malshiras Police Station, Solapur, till the conclusion of trial in Sessions Case No. 05 of 2026 except for marking his appearance before the Investigating Officer, Malshiras Police Station, Solapur as and when required and before the Trial Court, Malshiras, in Sessions Case No. 05 of 2026 as and when the matter is fixed.

15. Criminal Bail Application No. 841 of 2026 is allowed and disposed of.

(ASHWIN D. BHOBE, J.)