

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

CRIMINAL BAIL APPLICATION NO. 198 OF 2025

Umesh Jaysingrao Sawant

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Vikrant V. Phatate, Advocate for the Applicant.

Ms. V. S. Shinde, A.P.P., for the Respondent – State.

Mr. Jayant Bardeskar a/w Mr. Nakul Shukla, Advocate for the Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th NOVEMBER, 2025.

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P.C. :

1. By this application, the Applicant is seeking regular bail in connection with C.R. No.151 of 2023 registered with Jath Police Station, for the offences punishable under Sections 302, 120-B, 109 read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 3, 25, 27 of the Arms Act, 1951 and Section 37(1)(3), 135 of the Bombay Police Act.

2. It is prosecution’s case that on 17th March, 2023 at around 1:45 p.m., the brother of the first informant was murdered by firing at

him and his head was crushed with a stone by accused nos.1 to 4. It is alleged that the Applicant is the main conspirator of the said crime and the said murder was done on the say of the Applicant, as the deceased had circulated photo of wife of the Applicant with him on WhatsApp group stating that he had more such type of photos.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bar for more than one year and six months. The CDR showing that the Applicant had contacted with Accused Nos.1 and 2. The said mobile number does not stand in the name of the Applicant. Learned counsel further submitted that there is discrepancy in the statement of witnesses Mr. Sandip Salunkhe and Mr. Kapil Parkar recorded under Section 161 and 164 of the Code Criminal Procedure, 1973. Learned counsel further submitted that to prove the conspiracy, evidence is required. Investigation is completed and charge-sheet has been filed. Though, charge is framed, yet trial has not started, and requested to allow the application.

4. It is contention of learned APP along with the learned counsel for the First Informant that the Applicant is the main conspirator. He was absconded after commission of the offence for one year. The proclamation was issued against him. Learned APP

further submitted that the witness Waghmode received the call from the Applicant, which shows that the Applicant had purchased the sim card in the name of other person and he used it to contact the accused no.1, which is matching with the CDR. Learned APP further submitted that if the Applicant is released on bail, he may threaten the prosecution witnesses, and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. The Applicant is behind bar for more than one year and six months. The allegation against the Applicant is of conspiracy. It is alleged that there were phone calls between the Applicant and accused no.1, but the said sim card was not in the name of the Applicant.

7. It is contention of learned counsel for Respondent No.2 that from the same mobile number, the Applicant had called witness Waghmode, which shows that the Applicant was in contact with Accused No.1.

8. In my view, the allegation against the Applicant is of conspiracy, to prove it, evidence is required. The mobile number which shows that there was a conversation with accused no.1 does

not belong to the Applicant. Considering these facts, I pass following order:

ORDER

- i. Application is allowed.
- ii. The Applicant be released on bail in connection with C.R. No.151 of 2023 registered with Jath Police Station, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- iii. The Applicant shall attend the concerned police station as and when required.
- iv. The Applicant shall not enter in Sangli District except attending the Court dates till the recording of the evidence of all prosecution witnesses.
- v. The Applicant shall not file any application for relaxation of condition. If the Applicant threaten the prosecution witness or enter Sangli district without Court dates, it will be the ground for cancellation of bail.
- vi. The Applicant shall inform his latest place of residence

and mobile number immediately after being released
and/or change of residence or mobile details, if any,
from time to time to the Investigating Officer.

9. The application is allowed in the aforesaid terms and is accordingly disposed off.
10. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)