

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

CRIMINAL APPEAL NO. 254 OF 2025

SHANTANU
SHANKARSA
DHUDUM

Mahadev Shivappa Kitture

.... Appellant

Versus

The State of Maharashtra And Anr.

.... Respondents

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Ms. Tanvi Tapkire, Advocate for the Appellant.

Ms. A. A. Takalkar, A.P.P., for the Respondent – State.

Ms. Asmita Killedar, Advocate for Respondent No. 2.

Mr. Magdum, PC, Jat Police Station, Sangli – present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd NOVEMBER, 2025.

P.C. :

1. By this appeal, the Appellant is seeking regular bail in connection with C.R. No.527 of 2024 registered with Athani Police Station, for the offences punishable under Sections 189(2), 191(2), 191(3), 103(2), 238, 190 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Initially, the offence was registered at Athani Police Station,

District: Belgavi, Karnataka State. Thereafter, it was transferred to Jath Police Station, District Sangli. The fresh crime was registered at Jath Police Station, District: Sangli bearing C.R. No.527 of 2024 for the offence punishable under Sections 189(2), 191(2), 191(3), 103(2), 238, 190 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution’s case that the husband of the first informant had an extra marital affair with the sister-in-law of the Appellant. It is alleged that on 12th August, 2024 , the deceased and his friend had gone to house of the sister-in-law of the Appellant to meet her. They tried to kill the brother of Appellant, who is husband of paramour of the deceased. Accused No.1, who is husband of the paramour of the deceased got up and made hue and cry by hearing the said commotion. It is alleged that the Appellant went there, the deceased was caught hold by the Accused No.1. It is alleged that the Appellant and Accused No.1 as well as co-accused assaulted the deceased with wooden rod, iron rod and fist & kick blows. The friend of the deceased ran away from the incident spot.

4. It is contention of the learned counsel for the Appellant that

the Appellant is behind bar for more than one year. The deceased along with his friend had gone to house of the Accused No.1 and they tried to kill Accused No.1 by smothering him with a blanket. At the time of incident, the Appellant was not present, he went to the incident spot after hearing the commotion. The incident was witnessed by the sister-in-law of the Appellant against whom there are allegations that she had an affair with the deceased. In her first statement given before the Athani police station, she had stated that the Appellant assaulted the deceased with fist and kick blows, and in her second statement before the Jath police station, she did not attribute any specific role to the Appellant about assaulting the deceased. Learned counsel further submitted that the incident happened in sudden provocation. The Appellant has no antecedent. He is the Karta of his family. Investigation is completed and charge-sheet has been filed. Though charge is framed, there is no progress in the trial. It may take time to conclude the trial, and requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that the Appellant and co-accused assaulted the deceased to death. There are eye witnesses to the incident. She has

specifically stated about the role played by the Appellant. The eye witnesses Ganesh Waghmore along with Sunanda Kitture have also stated about the role played by the Appellant. If the Appellant is released on bail, he may threaten the prosecution witnesses, and requested to dismiss the appeal.

6. I have heard all learned counsel, perused F.I.R. and documents produced on record.

7. The incident is witnessed by Ms. Sunanda Kitture in statement given before the Athani Police Station. This witness has stated that the Appellant has assaulted the deceased with fist and kick blows, and in her second statement given before the Jath Police Station, she has attributed the same role to the Appellant. It appears from the F.I.R. that there are total eight accused according to the role attributed to the Appellant, who assaulted the deceased with fist and kick blows. The Appellant is behind bar for more than one year and he has no antecedent. Investigation is completed and charge-sheet has been filed. Though charge is framed, there is no progress in the trial. Considering these facts, I pass following order:

ORDER

- i. Appeal is allowed.

- ii. In the event of arrest, the Appellant be released on bail in connection with C.R. No.527 of 2024 registered with Jath Police Station, District: Sangli, on furnishing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
 - iii. The Appellant shall attend the concerned police station as and when required.
 - iv. The Appellant shall remain present before the trial Court on each date unless exempted by the Trial Court.
 - v. Appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
 - vi. The Appellant 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.
8. The appeal is allowed in the aforesaid terms and is accordingly disposed off.
9. 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.

10. All concerned to act on the authenticated copy of this order.

11. Ms. Asmita Killedar, is appointed through Legal Aid to represent for Respondent No.2, professional fees of Rs.10,000/- be paid to her.

(SHIVKUMAR DIGE, J.)