

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

CRIMINAL REVISION APPLICATION NO. 189 OF 2025

Omkar Ravindra Nalwade
Through Natural Guardian
Ravindra Balaso Nalwade (Father) ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Aditya Raktade a/w Mr. Sumit Vhanbatte for Applicant.

Dr. A. A. Takalkar, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st OCTOBER 2025

P.C.

1. By this revision application, the applicant has challenged the impugned judgment and order dated 16.04.2025 passed by the learned Special Judge, Kolhapur in Criminal Appeal No.17 of 2025 and seeking regular bail in Crime No.524 of 2024 registered with Hatkanangale Police Station, District Kolhapur for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

2. It is prosecution's case that on 23rd September, 2024 at around 10:00 p.m., applicant and co-accused assaulted the deceased with sharp weapon and murdered him.

3. It is contention of learned counsel for applicant that at the time of incident the applicant was 15 years and 7 months old. There are eye witnesses to the incident. They have stated all the allegations against the co-accused. The applicant have no antecedent. Hence, requested to allow the application.

4. It is contention of learned APP that applicant was present at the time of incident. He assaulted the deceased with sharp weapon along with co-accused. If applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsels, perused the FIR and documents produced on record. This Court had called the report of Probation officer in respect of the health condition, behaviour and conduct of the applicant. The sealed report received by this Court. It is opened in the Court. This Court perused the Report. In report it is mentioned that the applicant has no antecedent and he had good behaviour with neighbours and peoples where he was residing. In the statement of eye witness Tanej Bage, he has stated that the applicant had assaulted the deceased with knife. The applicant is admitted in hospital due to ill health. Considering the age of the applicant at the time of incident as well as considering the report of the Probation

Officer and if applicant remained behind bar, his future life will be ruined, considering his tender age, I pass the following order :

ORDER

- (i) Criminal Revision Application is allowed;
- (ii) The impugned judgment and order dated 16.04.2025 passed by the learned Special Judge, Kolhapur in Criminal Appeal No.17 of 2025 is hereby quashed and set aside.
- (iii) The applicant be enlarged on bail in Crime No.524 of 2024 registered with Hatkanangale Police Station, District Kolhapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case;
- (v) The applicant shall attend the Police Station as and when required;
- (vi) The Applicant shall attend the Trial Court dates, regularly.

6. The revision application is allowed in the aforesaid terms and is accordingly disposed off.

7. 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.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)