

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

CRIMINAL BAIL APPLICATION NO. 3170 OF 2025

Anna Shyamrao Chormale ...Applicant  
Versus  
State of Maharashtra ...Respondent

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Mr. Shailesh S. Kharat i/b Nagesh Khedkar for Applicant.

Ms. P. S. Rane, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 26<sup>th</sup> SEPTEMBER 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.148 of 2025 registered with Malshiras Police Station, District : Solapur for the offences punishable under Sections 103(1), 238 & Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

2. It is prosecution's case that the deceased was kidnapped and murdered by the applicant and co-accused on the ground of illicit relationship between the deceased and wife of accused No.1.

3. It is contention of learned counsel for applicant that prosecution's case is based on circumstantial evidence. The applicant has been arrested on the basis of suspicion. There is no evidence on

record to connect the applicant with the present crime. The statement of witness shows that the applicant was called at the spot of incident after murder of the deceased. The applicant has no antecedent. Hence, requested to allow the application.

4. It is contention of learned APP that applicant has participated in the crime. He was present at the spot of incident. There were more than 10 calls between the applicant and accused No.1 on the day of incident. The applicant and co-accused shown the place, where dead body of the deceased was buried. The applicant was last seen with the deceased at the spot of incident. 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. The statement of witness Maruti Madane shows that on the day of incident, he had seen deceased and accused No.1 and 3. Thereafter when he as was going ahead on his vehicle, he saw the applicant and accused No.5 going towards the field of the applicant. From the statement of this witness it appears that the applicant was not seen with the deceased. It is contention of the learned APP that call records between applicant and accused No.1 shows involvement of the applicant in the crime. In my view it will

be the part of trial, whether to prove the involvement of the applicant in the crime. The applicant is behind bar for more than four months. Investigation is completed and charge-sheet has been filed. The applicant has no antecedent. Though it is contention of the learned APP that the applicant and co-accused shown the place where dead body of the deceased was buried but the memorandum is recorded of two accused at once i.e. the applicant and accused No.4, so its evidentiary value will be considered at the time of trial. Considering these facts, his further detention is not required.

6. In view of the above, I pass the following order :

**ORDER**

(i) Application is allowed;

(ii) The applicant be enlarged on bail in Crime No.148 of 2025 registered with Malshiras Police Station, District : Solapur, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) Applicant shall attend the Trial Court dates, regularly.

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

8. 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.

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

**(SHIVKUMAR DIGE, J.)**