

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

CRIMINAL BAIL APPLICATION NO. 3557 OF 2025

Tushar Alias Miya Tukaram Bharmabla Applicant

Versus

The State of Maharashtra Respondent

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Mr. Vikram Patil i/b Mr. Suryajeet P. Chavan, Advocate for the Applicant.

Smt. Veera Shinde, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C. :

1. By this application, the applicant is seeking regular bail in connection with C.R. No.308 of 2023 registered with Kurundwad Police Station, Kolhapur, for the offences punishable under Sections 302, 120(B), 143, 147 and 149 of the of the Indian Penal Code, 1860 (for short, "IPC") and Sections 5, 27 of the Arms Act, 1959 and Section 135 of the Bombay Police Act, 1951.

2. It is the prosecution's case that on 15/10/2023, the first informant while working in the field, he did not find his brother-in-

law. Hence, he searched him and found him in injured condition. He was seriously injured. The injuries were appearing on all over the body. When he went near him, he uttered the name “Rahul Bhambire Rahul Bhambire” i.e. the accused No.1. Immediately, the first informant called other persons and shifted the deceased in the hospital. While taking to hospital, he died. It is alleged that the accused No.1 had quarreled with the deceased in the year 2018 on the ground of overtaking of vehicle. In the investigation, the police arrested the applicant, co-accused and accused No.1. It is alleged that the accused No.1 in conspiracy with the Applicant has murdered the deceased.

3. It is the contention of learned counsel for the applicant that the Applicant has been falsely implicated in this case. No weapon is recovered at the instance of the applicant. The alleged incident of earlier quarrel had occurred five years prior to the date of incident. The applicant is behind the bars for more than two years. Yet there is no progress in the trial and requested to allow the application.

4. It is contention of learned APP that accused No.1 had conspired with the applicant and murdered the deceased. At the time of incident, the applicant had held the hand of the deceased whereas co-accused murdered him. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet. The prosecution case is based on circumstantial evidence. The accused No.1 and other co-accused have been released on bail by this Court. The allegations against the applicant are that he had held the hands of the deceased at the time of crime. As co-accused have been released on bail, the applicant is entitled for bail on the principle of parity, and I pass following order:

ORDER

- I. The Application is allowed.
 - II. The Applicant be enlarged on bail in C.R. No. 308 of 2023 registered with Kurundwad Police Station 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 witnesses or any person concerned with the case.
 - IV. The Applicant shall attend the concerned police station as and when required.
 - V. The Applicant shall attend the Trial Court dates, regularly.
6. The 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.)