

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 359 OF 2025**

HARISH
VITHAL
CHAUDHARI

Abhinandan Madan Mane ...Applicant

Versus

State Of Maharashtra ...Respondent

Digitally signed
by HARISH
VITHAL
CHAUDHARI
Date:
2025.12.03
19:37:20
+0530

Mr. Suyog N. Hatkar a/w Namdev P. Hatkar & Himanshu Pujari
Advocate for the Applicant.

Mr. P. P. Deokar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st DECEMBER, 2025

P.C.

1. By this application, applicant has challenged the impugned judgment and order dated 7th October 2025 passed by the learned Special Judge, at Kolhapur in Crim. Appeal No.70 of 2025 and seeking regular bail in Crime No.402 of 2025 registered with Karveer Police Station Dist-Kolhapur for the offences punishable under Sections 103(1), and 238 of Bharatiya Nyay Sanhita, 2023.

2. It is prosecution's case that on 3rd June, 2025, at around 8.30 p.m. to 10.30 p.m. the applicant pushed the deceased around 100 feet deep mine on the ground that the deceased was speaking with

one Dikha Shelar.

3. It is the contention of learned counsel for the applicant that at the time of incident, the applicant was 17 years old. The prosecution's case is based on circumstantial evidence. The incident occurred on the ground of love affair. The applicant is a student. If he remained in child care institution, he will not get love of his family members and he will turn into hardcore criminal and requested to allow the application.

4. It is contention of learned APP that the applicant pushed the deceased in 100 fit deep mine on the ground of love affair with the friend of the applicant. If the applicant released on bail he may abscond. The applicant was more than 17 years old at the time of incident, so he was as good as major. The CDR location of the applicant and deceased shows their presence at the incident spot. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR, impugned judgment and order and report of Superintendent, Observation Home, Kagal.

6. Admittedly, the FIR was lodged against unknown person in respect of murder of deceased Mahendra. During the investigation, the applicant has been arrested in connection with the said crime. As

per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 the juvenile shall be released on bail. The only exception to the said provision is that he shall not be released if there appears to be a reasonable ground to believe that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. This Court had called the report of Superintendent, Observation Home, Kagal where the applicant has kept. In the said report, the Superintendent has stated that the applicant can stay in home. There has been change in the nature of the applicant. He may become good citizen and has shown his skill and interest in the education. Considering the report of In-charge Superintendent Observation Home, Kagal and the age of the applicant, if the applicant remained in the child care institution, it would be detrimental to his future

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

ORDER

- I. The application is allowed.
- II. The impugned judgment and order dated 7th October, 2025 passed by the learned Special Judge (POCSO), Kolhapur in Crim. Appeal No.70 of 2025 is hereby

quashed and set aside ;

- III. The applicant be enlarged on bail in Crime No.402 of 2025 registered with Karveer Police Station, Dist-Kolhapur on executing P.R.Bond in the sum of Rs.5,000/- with one or two sureties in the like amount to be furnished by his family member.
 - IV. The natural guardian/father of the applicant shall furnish an undertaking to take proper care of the applicant so that he would not be indulge in any criminal activities, while on bail and shall be produced before the Children's Court, as and when required.
 - V. The Juvenile Justice Board, Kolhapur shall inform about the release of the applicant on bail to the Superintendent Observation Home, Kagal as per the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
 - VI. The applicant shall not tamper with the evidence or attempt to influence or contact the first informant, witnesses or any person concerned with the case.
8. The application 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.

(SHIVKUMAR DIGE, J.)