

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

CRIMINAL BAIL APPLICATION NO. 1566 OF 2025

Ganesh Maruti Mane Applicant

Versus

The State of Maharashtra Respondent

Mr. Ritesh Thobde a/w Mr. Changdev Shingade, Advocate for the Applicant.

Mr. S. H. Yadav, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th AUGUST, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No.117 of 2024 registered with Kamti Police Station, Dist: Solapur, for the offences punishable under Sections 302, 379, 201 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that the first informant found his mother with serious injuries on her body at their house. During investigation, the police has arrested the Applicant and co-accused in connection of the present crime. It is alleged that the Applicant and

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co-accused entered in the house of the deceased with intention of committing theft, assaulted her with a sickle, robbed gold ornaments, she was wearing, and then fled the scene.

3. It is contention of learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The Applicant has been named in connection with present crime solely on the basis of the confessional statement of the co-accused, which is not admissible. There is no recovery at the instance of the Applicant. The gold ornaments of the deceased is recovered at the instance of the co-accused. The Applicant is behind bar for around one year, yet charge has not been framed. It may take time to conclude the trial, and requested to allow the application.

4. It is contention of learned APP that the Applicant and co-accused assaulted the deceased with sharp weapons with intention of robbing her. They robbed, gold ornaments of the deceased. She was brutally assaulted with sickle by the Applicant and co-accused. The gold ornaments of the deceased are recovered at the instance of the co-accused. The co-accused has stated that the accused was with him at the time of the incident, which shows involvement of the Applicant in the crime. If Applicant released on bail, he may abscond or threaten

the prosecution witnesses, and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. The prosecution's case is based on circumstantial evidence. There is no recovery at the instance of the Applicant. To show his involvement in the present crime, the evidence is required. The recovery of the gold ornaments belongs to the deceased was made at the instance of the co-accused. The Applicant is behind bar around one year. Investigation is completed and charge sheet has been filed, yet charge has not been framed. It may take time to conclude the trial. Considering these facts, further detention of the Applicant is not required, and I pass following order:

ORDER

- i. The Application is allowed.
- ii. The Applicant be released on bail in connection with Crime No.117 of 2024 registered with Kamti Police Station, Dist: Solapur, on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- iii. The Applicant shall mark his attendance with the

concerned police station as and when required.

iv. The Applicant shall remain present before the trial Court regularly.

v. The Applicant shall not tamper with evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

vi. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

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

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

(SHIVKUMAR DIGE, J.)