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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2627 OF 2025

Kamgonda Vittal @ Vithal
Biradar

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Ritesh Thobde a/w Mr. Changdev Shingade, Ms. Hansika
Jadhav, Mr. M. Bardeskar for the applicant
Ms. Priyanka Rane APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER 2025

PC.:

1. By this application, applicant is seeking regular bail in C.R. No. 274 of 2024 registered with Mandrup Police Station, District Solapur for offences punishable under Sections 310(2), 308(2), 140(2), 127(2) of Bhartiya Nyay Sanhita, 2023.

2. It is the prosecution's case that on 13th August 2024 around 10.00 p.m., the first informant and his friend were going in their vehicle with two cows and their calves. At that time,

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applicant and co-accused assaulted them with wooden stick and with fist and kick blows and robbed Rs. 10,000/- and mobile phone and taken away two cows and their calves.

3. It is the contention of learned counsel for applicant that co-accused against whom serious allegations are levelled have been released on bail. The allegations against the applicant are that the first informant and his friend were detained in one room by co-accused and the key of the said room was given by the applicant to co-accused. Applicant was not present at the spot of incident. He has not participated in assault on the first informant and his friend. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant and co-accused robbed the first informant and his friend. They assaulted them and taken away Rs. 10,000/- mobile phone of the first informant, two cows and their calves. If applicant is released on bail, he may abscond, threaten prosecution witnesses and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and

documents produced on record. The allegations against the applicant are that he provided key of the room where first informant and his friend were detained. There are no allegations against the applicant that he was present at the spot of the incident. The co-accused have been released on bail. Hence, the applicant is entitled to be released on bail on the principle of parity. He has no antecedents. Applicant is behind the bar for more than one year. It may take time to conclude the trial.

6. Considering these facts, further detention of applicant is not required and I pass following order :

ORDER

- I. Application is allowed.
- II. Applicant be enlarged on bail in C.R. No. 274 of 2024 registered with Mandrup Police Station, District Solapur on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- III. Applicant shall not tamper with the evidence or attempt to influence or contact the 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.]