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

BAIL APPLICATION NO. 426 OF 2026

Vikram @ Pandu @ Pandurang
Sanjay Kamble,
Age : 26 Years, Occu. : Labour,
R/o Lavang, Tq. Malshiras,
Dist. Solapur. .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Ritesh M. thobde, Advocate i/by Shri Darshan Singh Rajpurohit, Advocate for the Applicant.
Mrs. Shubhangi N. Deshmukh, A.P.P. for the Respondent Nos. 1 and 2.
Shri Shankar Katkar, Advocate a/w Ms. Tanaya Doke, Advocate for the Respondent No. 3.
(Shri R. R. thombre, P.H.C. B. No. 1773, Akluj Police Station under Solapur Rural)

CORAM : SHAILESH P. BRAHME, J.
DATE : 23RD OCTOBER, 2026.

FINAL ORDER :

. Heard both sides.

2. The applicant is arrested in connection with Crime No. 447/2025, registered with Akluj Police Station, District Solapur, for the offences punishable under Sections 103(1), 352, 351 r/w Sec. 3(5) of the Bhartiya Nyaya Sanhita, 2023 on 21.06.2025. The charge sheet is filed on 15.09.2025. In this background, this

Court is considering the present application.

3. It is reported to the police by the son of the deceased Sinappa Waghmode that they were agriculturist and his father was looking after the operations. They used to require agricultural labourers. The accused No. 1 – Santosh used to bring labourers. The accused No. 1 had a grudge against the deceased as the deceased was courting with the lady labour contractor. The accused No. 1 was suspecting the relations between deceased and that lady. On 20.06.2025 the deceased was found brutally murdered in a newly constructed bungalow in the agricultural land.

4. Learned counsel for the applicant submits that there is no direct evidence against the applicant. The motive can be attributed to the accused No. 1 – Santosh. The prosecution's attempt to make out last seen theory is also unsuccessful. It is submitted that conduct of the applicant, which reflects from the first information report and statements has to be taken into account, which is mitigating. The extra judicial confession of the applicant before Vishal is inconsequential and has no probative value. His statement is vulnerable. The recovery of cloths and the weapon at his instance cannot be said to be incriminating per-se.

5. Learned A. P. P. opposes the submissions vehemently. She would advert my attention to various statements including that

of Vishal. It is submitted that Vishal is acquainted with the deceased, applicant and the accused persons. There is strong motive for the applicant and the accused No. 1 to commit murder, which was expressed on 15.06.2025 also. It is submitted that memorandum panchanama, which is followed by recovery of blood smeared cloths and the weapon is corroborative.

6. Learned counsel appearing for the respondent No. 3 adopts the submissions of the learned A. P. P. Additionally, it is submitted that as much as 26 injuries are found on the vital part of the body, which indicates the brutality. It is submitted that accused were finding opportunity to kill the deceased.

7. The prosecution's case is based on circumstantial evidence. The applicant was working as agricultural labourer and associated with the deceased and his family members. The statement of the witness specially that of Nutan Jadhav would show that the accused No. 1 – Santosh was having affair with the witness and the deceased had illicit relations with the witness, which is not liked by accused – Santosh. The statements of other witnesses also would show that Santosh was not happy with the deceased. Accused No. 1 – Santosh is likely to have motive to commit offence.

8. I have gone through statements of Maruti, Ambadas and Kisan, who had seen applicant in the company of the accused No. 1 – Santosh going towards under constructed bungalow. Their

statements are not sufficient to make out last seen theory. The statement of Kisan would indicate that he was lastly in the company of deceased at 10.45 PM. The presence of the applicant in the agricultural land or around the bungalow is not unnatural because he happened to be labourer and working with the family of the deceased. There is no material to indicate that applicant was also entertaining any grudge independently and he wanted to eliminate the deceased.

9. The extra judicial confession which could be seen from the statement of Vishal can be dealt with during the course of trial. Otherwise also it has very weak probative value. The recovery of blood smeared cloths and the weapon at the instance of the applicant has some relevance. The recovery of the cloths and the weapon needs to be tested during the course of trial. This circumstance is not sufficient to detain him in jail.

10. Learned counsel for the applicant Mr. Thobde is right in pointing out the conduct of the applicant from the statements of Maruti and Ambadas. Shivering of the applicant, shouting and reaction after seeing brutally assaulted body, are mitigating in nature. I find that applicant is entitled to bail. Hence, I pass the following order :

O R D E R

(i) Bail Application is allowed.

(ii) Applicant - Vikram @ Pandu @ Pandurang Sanjay

Kamble shall be released on bail in Crime No. 447/2025, registered with Akluj Police Station, District Solapur, for the offences punishable under Sections 103(1), 352, 351 r/w Sec. 3(5) of the Bhartiya Nyaya Sanhita, 2023 on furnishing P. R. bond in sum of Rs. 20,000/- (Rs. Twenty thousands only) with one or more solvent sureties of like amount on the following conditions :

(a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicant shall furnish contact number/s of himself or his close relatives / friends to the Investigating Officer.

(c) The applicant shall stay away from village Lavang, Tq. Malshiras, Dist. Solapur.

(d) The applicant shall inform his whereabouts and contact numbers to the Investigating Officer.

(e) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(f) The applicant shall not move out of Solapur District without information to the Investigating Officer.

(g) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.

(iii) Bail application is disposed of accordingly.

[SHAILESH P. BRAHME J.]

bsb/Oct. 26