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

CRIMINAL BAIL APPLN. NO. 914 OF 2026

Vivek Uttam Kharat ……Applicant

Versus.

The State of Maharashtra & Anr. ……Respondents

- *Ms. Tanvi Tapkire (Through V.C.) a/w. Ms. Purva Patil & Ms. Poonam Sharma for Applicant.*
- *Mr. C.D. Mali, A.P.P. for Respondents-State.*
- *Officer : PC/1779 Ranjeet S. Ghodake, Jath Police Station, present.*

Coram : **ASHWIN D. BHOBE, J.**

Date : **14th October 2026.**

PER COURT :

1. Heard, Ms. Tanvi Tapkire, learned Advocate for the Applicant and Mr. C. D. Mali, learned A.P.P. for the Respondents-State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS 2023], the Applicant seeks Regular Bail in connection with Crime No. 463 of 2026, dated 14th August 2026, registered with Jath Police Station, District Sangli, for offences punishable under Sections 109(1), 115(2), 118(1), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 [BNS].

3. Ms. Tanvi Tapkire, learned Advocate for the Applicant, submits that there are four accused in Crime No. 463 of 2026, one of whom is a child in conflict with the law (CCL), namely the Applicant's sister. The Applicant is accused No. 1.

4. In brief, the prosecution case is that on 9th August 2026, an altercation occurred between the accused in Crime No. 463 of 2026 and the Informant (Arun B. Kharat), the Applicant's cousin. The altercation arose from a dispute over a road in the agricultural field. It escalated into a fight, during which the Informant and the Applicant's family members were assaulted. The Informant sustained injuries in the assault.

5. The Applicant was arrested on 14th August 2026. Bail Application No. 607 of 2026, filed by the Applicant, was rejected by the Additional Sessions Judge-3, Sangli ('Trial Court'), on 11th September 2026.

6. Ms. Tanvi Tapkire, learned Advocate for the Applicant, submits that the Applicant is a 20-year-old student. She submits that the Applicant's name appears in the merit list and that he was supposed to secure admission to the first-year Bachelor of Science (B.Sc.) degree course. She submits that in view of the Applicant's arrest on 14th August 2026, the Applicant missed the deadline for securing admission to the B.Sc. degree course. She submits that the allegations against the Applicant are that he assaulted the Informant. She

further submits that the injuries suffered by the Informant on account of the alleged assault by the Applicant are simple in nature, whereas the grievous injuries were sustained on account of the assault allegedly committed by the other family members of the Applicant. She further submits that in the assault dated 9th August 2026, the Applicant and his family members also sustained injuries. In support of her submissions, she refers to the photographs produced at Exhibit-F (page 54) of the paperbook, which show the injuries sustained by the Applicant's father and mother (Accused Nos. 2 & 4).

7. Mr. C. D. Mali, learned A.P.P. for the Respondents-State, submits that the FIR indicates the Applicant's presence at the time of the assault on the Informant and his participation in the said assault. He further submits that the incident took place in the precincts of the Informant's house. However, Mr. C. D. Mali, learned A.P.P. for the Respondents-State, fairly submits that, in the said assault, even the Applicant and his family members (i.e. Accused Nos. 2 & 4), have sustained injuries.

8. Perused the record.

9. Perusal of the FIR indicates that the Applicant is alleged to have assaulted the Informant on the ribcage and back. As per the Injury Certificate dated 30th September 2026, produced by Mr. C. D. Mali, learned A.P.P. for the

Respondents-State, the injury sustained by the Informant in the abdominal region is simple in nature. The Injury Certificate does not indicate any injury to the Informant's back.

10. Ms. Tanvi Tapkire, learned Advocate for the Applicant, by referring to the photographs at page 54 (Exhibit F), points out that the Applicant's father sustained injuries to his head, whereas the Applicant's mother sustained injuries to her hand, which injuries, according to Ms. Tapkire, are grievous.

11. Prima facie, it appears that the altercation and the assault arose out of a property-related dispute. In the context of the Applicant, the fight prima facie does not appear to have been premeditated.

12. In view of the above circumstances, considering the nature of the allegation against the Applicant, who is a 20-year-old student, as submitted by Ms. Tanvi Tapkire, the Applicant is a meritorious student and intends to pursue further studies, his continued incarceration pending trial in connection with Crime No. 463 of 2026 is not warranted, as it would impede his further education. This is a fit case for grant of bail.

13. Accordingly, this Application is allowed on the following conditions:

(i) The Applicant shall be released on bail in connection with Crime No. 463 of 2026, dated 14th August 2026, registered with

Jath Police Station, District Sangli, upon furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only), with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Sangli.

(ii) The Applicant shall not, directly or indirectly, make any inducement, threat or promise to the Intervenor or any person acquainted with the facts of the case to dissuade such person from disclosing the facts to the Court or any police officer.

(iii) The Applicant shall not tamper with the prosecution evidence.

(iv) The Applicant shall attend Jath Police Station, District Sangli, and report to the Investigating Officer on the second Saturday of every month from 10.00a.m to 11.00a.m, until the framing of charge.

(v) Within three days from today, the Applicant shall provide the Investigating Officer of Crime No. 463 of 2026 with his residential address along with proof, his contact numbers, whatapp number, email and must inform the Investigating Officer of any changes to this information from time to time.

(vi) In the event of any default in complying with the conditions or misuse of the liberty granted to the Applicant, the prosecution shall be at liberty to seek cancellation of bail.

14. The observations made in the present order are meant for the purpose of deciding the Bail Application and would not have any impact on the trial.

15. Criminal Bail Application No. 914 of 2026 is disposed.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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