IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 916 OF 2026

Sunil Samadhan Maske ...Applicant

Versus.

The State of Maharashtra And Ors. ...Respondents

Mr. Kunal Patil a/w Rajnandini Katkar, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.
DATE : 1st October, 2026.

P.C. :

1. Heard Mr. Kunal Patil, learned Advocate for the Applicant and Mr. N. B. Patil, learned APP for the Respondent – State.

2. By the present Application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks Regular Bail in connection with C.R. No. 533 of 2023, registered at Sangola Police Station, for offences punishable under Sections 302, 397 and 201 read with Section 34 of the Indian Penal Code, 1860.

3. Mr. Kunal Patil, learned Advocate for the Applicant, states that there are three (3) accused in Crime No. 533 of 2023, with the Applicant as Accused No. 1, Ajay Shivaji Raut as Accused No. 2 and the

third accused being the CCL.

4. Mr. Kunal Patil, learned Advocate for the Applicant, states that Crime No. 533 of 2023 is now registered as Sessions Case No. 196 of 2023 and is pending before the Court of the Additional Sessions Judge, Pandharpur. (“Trial Court”).

5. FIR is lodged by the daughter of Santosh Jagannath Salunkhe (“deceased”), alleging that the deceased was found dead on 16.06.2023. There were injuries on his body and an unknown person murdered him for an unknown reason.

6. Mr. Kunal Patil, learned Advocate for the Applicant, was arrested on 20.06.2023. The Bail Application filed by the Applicant in Sessions Case No. 196 of 2023 was rejected on 08.09.2025.

7. Mr. Kunal Patil, learned advocate for the Applicant, states that the prosecution case is based on circumstantial evidence. He submits that the allegations against the Applicant are almost identical to those against Ajay Shivaji Raut (Accused No. 2). He further submits that the only difference in the allegations against the Applicant is the extrajudicial confession alleged to have been made by the Applicant to Bira Maruti Randive.

8. Mr. Kunal Patil, learned Advocate for the Applicant, relies on paragraphs 5 and 6 of the order dated 05.01.2026, passed in Bail Application No. 3558 of 2025 (Coram : Nitin B. Suryawanshi, J.), which reads as follows :-

> *"5. Learned APP has vehemently opposed the application and submitted that there is circumstantial evidence against the applicant as the applicant was last seen with the deceased and there is recovery of amount of Rs. 1105/- and clothes from the applicant. Since the applicant has committed serious crime of murder, he is not entitled for the bail.*
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> *6. It prima facie appears from the record that the only circumstance against the applicant is that he was last seen in the company of the deceased. Recovery of amount of Rs. 1105/- from the applicant, at this stage, cannot be said to be an adverse circumstance. So also, recovery of clothes of the applicant himself also cannot be termed as a circumstance weighing against the applicant. Since last more than two and half years, applicant is behind the bars and trial is not likely to conclude in near future. Therefore, further custodial detention of the applicant, in the facts of the present case, is not warranted."*

9. Mr. N. B. Patil, learned APP for the Respondent – State, submits that although the prosecution case is based on circumstantial evidence, the circumstances against the Applicant are that he was last seen in the company of the deceased and that he made an extrajudicial confession. He further submits that the deceased was brutally assaulted, which

resulted in his death.

10. Perused the records with the assistance of the learned Advocate for the parties.

11. The case against the Applicant rests on the alleged extrajudicial confession made by the Applicant to Bira Maruti Randive. An extrajudicial confession is a very weak form of evidence and requires corroboration. This issue would have to be considered at the stage of trial.

12. The Applicant is a 19 year old boy, as submitted by Mr Kunal Patil.

13. Considering that Accused No. 2 has been released on bail in almost similar circumstances and that the Applicant has been in jail for 3 years and 4 months from the date of his arrest, only two witnesses in Sessions Case No. 196 of 2023 have been examined out of the 15 witnesses, the continuation of the Applicant's detention pending trial in Sessions Case No. 196 of 2023 is not warranted.

14. In view of the above, the present Bail Application is allowed in the following terms:

(a) The Applicant in Crime No. 533 of 2023 registered with Sangola Police Station, shall be released on bail upon furnishing a PR bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Jude, Pandharpur in Sessions Case No. 196 of 2023.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence in any manner.

(c) Applicant shall appear before the Investigating Officer, Sangola Police Station, 2nd Monday of each month from 10:00 am to 12:00 noon until further orders from the Trial Court.

(d) Applicant shall within three (3) of his release provide the Investigating Officer, Sangola Police

Station, with his residential address and proof thereof, his contact number and must inform the Investigating Officer, of any changes to this information from time to time.

(e) The Applicant shall regularly appear before the Trial Court in Sessions Case No. 196 of 2023, whenever the matter is fixed, unless specifically exempted.

(f) If the Applicant fails to appear before the Trial Court on the date fixed, the same would be treated as a breach of condition and the Trial Court would be at liberty to pass appropriate orders.

15. Criminal Bail Application No. 916 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

ARJUN KRISHNA RODGE
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Date: 2026.10.01 20:28:57 +0530