

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3987 OF 2024

Prakash Biraji Javir

VERSUS

State Of Maharashtra And Anr

Mr. Nikhil Pawar, advocate for the applicant

Mr. P. P. Deokar APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th APRIL, 2026.

P. C. :

1. By this application, applicant is seeking regular bail in C.R. No. 38/2020 registered with Vita Police Station, District Sangli for offences punishable under Sections 302, 394, 397 and 452 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is falsely implicated in the case. There are material inconsistencies with regard to the occurrence of the incident. Even the medical report does not support the case of the prosecution. Arrest of the applicant is effected on 10/02/2020. There is no progress in trial which entails the applicant to be admitted to the bail.

3. *Per contra*, learned APP opposed the application submitting that complicity of the applicant in a serious offence is evident from

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the material collected by the Investigating Officer which dis-entitles the applicant to be admitted to the bail. As such, prayed for rejection of the application.

4. Upon considering the submissions of learned counsel for the applicant, learned APP and perusal of material on record, *prima facie* it appears that death of the deceased is due to the fall from the bed. A Medico-Legal Case was registered in that regard. Even the injury certificate indicates the cause of injury as fall from bed.

5. Nevertheless the fact remains that applicant is behind bar from 10/02/2020 and there is no progress in trial. Apart from same, considering the number of witnesses which prosecution is citing, there is every likelihood that the trial will take considerable time to commence and conclude. Therefore, further incarceration of the applicant would be unjustified. Resultantly, I am persuaded to exercise the discretion in favour of the applicant.

6. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Prakash Biraji Javir be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like

amount, in connection with C.R. No. 38/2020 registered with Vita Police Station, District Sangli for offences punishable under Sections 302, 394, 397 and 452 of the Indian Penal Code, on the following conditions :-

(a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail to the Applicant.

7. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

8. Professional fees of Rs. 10,000/- to be paid to learned counsel appointed through Legal Aid for the Applicant.

[SACHIN S. DESHMUKH, J.]