

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

CR. REVISION APPLN. NO. 372 OF 2025

Omkar Amar Mane Through Legal
Guardian Aditya Amar Mane

....Applicant

VERSUS

The State Of Maharashtra

....Respondent

...

Mr. Kunal Patil i/b Ms. Rajnandini Karkar Advocate for Applicant
Mr. Nitin B. Patil APP for the State

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th MARCH 2026.

P.C.

1. By this revision application, the applicant challenges the Judgment and Order dated 16/10/2025 rendered by Sessions Court, Kolhapur in Criminal Appeal No. 68/2025 and prayed for release of the applicant on bail in C.R. No. 772 of 2024 dated 29/12/2024 registered with Juna Rajwada Police Station, Kolhapur for offence punishable under Sections 302, 201, 143, 147, 148 and 149 of the Indian Penal Code and under Sections 5 and 27 of the Arms Act.

2. Prosecution case is that, the first informant lodged a report stating that on 07/03/2024 her husband had gone to Kolhapur for work and was staying at a hotel. She and her husband remained in contact with each other on the phone until 14/03/2024. Thereafter,

her husband stopped contacting her. Subsequently, on 05/04/2024, she lodged a missing person report regarding her husband. In the meantime, the police attached to Juna Rajwada Police Station found a headless dead body of an unknown person, which was in a decomposed condition. After conducting the post-mortem examination and collecting DNA samples, it was revealed that the said unknown deceased male was the husband of the First Informant. During the course of investigation, it was revealed that on 04/04/2024 the deceased was sitting at Hutatma Garden, Kolhapur, where a quarrel took place between him and the accused no. 1 for reasons unknown. It was further revealed that the said accused called co-accused persons. Thereafter, all the accused persons allegedly committed the murder of the deceased by assaulting him with sharp weapons and inflicted blows on his neck, as a result of which the head was severed from the body and disposed of. It is further alleged that the accused persons along with the CCLs destroyed the clothes of the deceased and other evidence.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the alleged crime and the Sessions Court has erred while passing the order under challenge. It is further submitted that the applicant is arraigned as accused on the basis of circumstantial evidence and there is no direct evidence against him.

The applicant is implicated solely on the basis of a confessional statement made by the co-accused to the police. However, the same is inadmissible under Section 23 of Bharatiya Sakshya Adhiniyam, 2023. The applicant is aged 17 years and is pursuing his education. Since the investigation is complete and the charge-sheet is filed, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

4. *Per contra*, learned APP has opposed the application submitting that the offence is serious in nature and is punishable by life imprisonment or death. An active role is played by the applicant in the crime. As such, there is *prima facie* material against the applicant. Hence, prayed to reject the application.

5. Having heard the submissions of learned counsel for the applicant and learned APP and upon considering the material placed on record, including the charge-sheet indicates that the applicant is a child in conflict with law (CCL) who is allegedly member of a gang which caused an unlawful assembly and committed the crime. The applicant is in custody since his arrest on 29/12/2024 i.e. more than 14 months. The necessary recovery is carried out by the investigating agency and the statements of the witnesses are recorded.

6. Perusal of the record further indicates that there is circumstantial evidence against the applicant and no direct

involvement of the applicant is indicated. Moreover, the order under challenge indicate that the bail of the applicant has been rejected primarily on the apprehension of threat to his life and on the possibility of tampering with the evidence. However, the brother of the applicant is willing to take care of the CCL and his further education. Thus, the applicant cannot be detained unnecessarily on the basis of conjecture and surmises of him tampering with the evidence or fleeing away. Particularly, when there is no substantial material to apprehend the same.

7. Further perusal of the record indicates that the applicant has maintained an excellent record at the remand home and has shown artistic and creative inclination. Also, the CCL during his period of detention has shown no violent tendencies and has maintained good behaviour throughout. The said aspects are corroborated by the report submitted before this Court by Superintendent of Juvenile Observation Home, Kagal.

8. In view of the aforesaid discussion and considering the age of the applicant as well as the impact of prolonged incarceration on the CCL coupled with the fact that the reformatory measures are to be adopted, as such, the further detention of the applicant would be unjustified.

9. Thus, I am persuaded to exercise the discretion in favour of the applicant. However, by imposing certain conditions to meet the ends of justice.

ORDER

I. Revision Application is allowed.

II. The impugned Judgment and Order dated 16/10/2025 passed by Sessions Judge, Kolhapur in Cri. Appeal No. 68/2025 is hereby quashed and set aside.

III. Applicant, Omkar Amar Mane 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. 772 of 2024 dated 29/12/2024 registered with Juna Rajwada Police Station, Kolhapur for offence punishable under Sections 302, 201, 143, 147, 148 and 149 of the Indian Penal Code and under Sections 5 and 27 of the Arms Act 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 seeking cancellation of bail.

IV. 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.

(SACHIN S. DESHMUKH, J.)

IRESH
MASHAL

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