

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

CRIMINAL BAIL APPLICATION NO. 1231 OF 2025

AUDUMBAR @ BALU PRAKASH KALE
VERSUS
STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Jaydeep D. Mane, Mr. Mihir Mondhar
and Mr. Yash Fadtare
Advocate for Respondent : Mr. A. S. Shalgaonkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11-03-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.447 of 2024 dated 05.10.2024 registered with Vijapur Naka Solapur (City) Police Station, District Solapur, for the offences punishable under Sections 103(1), 189(2), 189(4), 191(1), 191(2), 191(3), 190, 324(3)(4), 352, 351(2)(3) and 61(2) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, 1951. In the said crime, the applicant was arrested on 28.10.2024. Upon completion of the investigation, the chargesheet is filed on 31.12.2024.

2. On 04.10.2024 in between 8.00 p.m. and 8.30 p.m. the neighbour of the informant came to the house and informed that the informant's son had met with an accident and admitted to

Care Hospital at Solapur. Subsequently, the informant rushed at hospital where the deceased informed that the applicant and the co-accused assaulted and beaten the deceased by sticks, iron rods and sickle, while he was standing in the open ground.

3. Learned counsel for the applicant submits that the deceased was hospitalized with the history of road traffic accident, wherein sustained injuries in the road accident. The report is false, concocted and afterthought. There are no eyewitness to the incident occurred. The evidence is hearsay. The entire evidence is speculative against the applicant only to implicate in the crime. The applicant is arrested on suspicion. The applicant is made a scape goat in the present crime. The case is false implication. Hence, prayed to allow the application.

4. Learned A.P.P. has opposed the application and submitted that the offences are serious in nature. The complicity of the applicant with the co-accused is apparent. The applicant with co-accused have brutally killed the deceased. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. There are eyewitnesses supporting to the prosecution case, which disentitle the applicant to be admitted to bail. Hence, prayed to reject the application.

5. Upon considering the submissions of the litigating sides and perusing the material on record, including the chargesheet, it is

evident that the alleged incident occurred on 04.10.2024, whereas the F.I.R. was registered on 28.10.2024 and the chargesheet is filed on 31.12.2024. Prima facie, the evidence indicates that the case is of accident, in the wake of history narrated while admitting deceased in the hospital and the unexplained delay in lodging the report, I am persuaded to exercise discretion in favour of the applicant.

6. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant is effected on 28.10.2024 and since then, is in jail.

7. As such, further incarceration of the applicant, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

8. Hence, the following order:-

ORDER

(i) Bail application is allowed.

- (ii) Applicant, Audumbar @ Balu Prakash Kale, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand), with one solvent surety of the like amount in Crime No.447 of 2024 dated 05.10.2024 registered with Vijapur Naka Solapur (City) Police Station, District Solapur, for the offences punishable under Sections 103(1), 189(2), 189(4), 191(1), 191(2), 191(3), 190, 324(3)(4), 352, 351(2) (3) and 61(2) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, 1951, on the conditions that;
- (a) The applicant shall not pressurize the prosecution witnesses and shall not 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 their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.
- (iii) 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]

JUDGE

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