

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3555 OF 2025

Swapnil Tanaji Kshirsagar

VERSUS

The State Of Maharashtra

Mr. Sumit Dhanawade, Mr. Mohan Chavan i/b Mr. Indrajeet Kamble,
advocate for the applicant

Dr. A. A. Takalkar, APP for the respondent-State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23rd MARCH, 2026.

P. C. :

1. By this application, applicant is seeking regular bail in C.R. No. 192/2025 dated 19/05/2025 registered with Kavathemahankal Police Station, District Sangli for offences punishable under Sections 118(2), 115(2), 352, 351(2), 351(3), 3(5), 103(1) of the Bhartiya Nyaya Sanhita, 2023.

2. Report was lodged stating that her husband had a history of financial dealings with the applicant. While there had been previous disputes regarding the exchange of money, those were settled mutually in the past. On May 18, 2025, at approximately 4:00 PM, informant's husband left for Kuktoli to purchase household supplies. When failed to return home by late night, the informant inquired with a relative. On May 19, 2025, at approximately 1:00 PM, the

informant's cousin-in-law, informed her that her husband had been found in an injured state. The informant, accompanied by relatives rushed to the spot where they found husband of the informant lying motionless on the ground.

3. Upon gaining consciousness the victim narrated that on the May 18, 2025, at approximately 10:30 PM behind Maruti Akaram Karande High School, the victim, was brutally assaulted after requesting the return of ₹2,000 from accused no. 2. Following a verbal altercation, accused no. 2 and applicant physically attacked the victim with kicks and fists before escalating the violence by striking him with stones—specifically, accused no. 2 targeting the head and applicant targeting the legs. The assailants issued death threats before fleeing, leaving the victim severely injured. Hence, report is lodged.

4. Learned counsel for the applicant submits that there was no pre-meditation and the incident has occurred on the spur of the moment and the requisite recovery is carried out by the investigating agency. Even the part on which the alleged injury is inflicted, is not on vital part. Investigation is completed and charge-sheet has been filed. In that view of the matter, applicant deserves

to be admitted to the bail.

5. *Per contra*, learned APP opposed the application submitting that complicity of the applicant is apparent. There are eye witnesses to the incident and eventual death of the injured dis-entitles the applicant to be admitted to the bail.

6. Upon considering the submissions of learned counsel for the applicant, learned APP and perusal of material on record, prima facie indicates that the alleged altercation has taken place on account of a trivial issue regarding return of partly amount. Further perusal of the allegation indicates that the alleged act prima facie appears to have occurred at the spur of the moment and there was no pre-meditation on the part of the present applicant. In any case, the injuries inflicted are not on the vital part with alleged use of stone lying on the spot. Moreover, the applicants has no criminal antecedents.

7. Nevertheless, the investigation is complete for all intent and purpose and the charge-sheet is filed to that effect. Having regard to the number of witnesses which the prosecution proposes to examine, the trial is unlikely to conclude within a reasonable period

8. Hence, following order:

ORDER

- I. The bail application is allowed.
 - II. Applicant, Swapnil Tanaji Kshirsagar 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. 192/2025 dated 19/05/2025 registered with Kavathemahankal Police Station, District Sangli for offences punishable under Sections 118(2), 115(2), 352, 351(2), 351(3), 3(5), 103(1) of the Bhartiya Nyaya Sanhita, 2023, 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 Trial Court seeking cancellation of bail.
9. 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.]

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