

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

CRIMINAL BAIL APPLICATION NO. 3745 OF 2025

SANMESH ASHOK TENDULKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mr. Dinesh Sonarlikar
Advocate for Respondent : Mr. N. B. Patil
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11-03-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No. 294 of 2024 dated 12.05.2024 registered with Rajarampuri Police Station, District Kolhapur, for the offences punishable under Section 302 of the Indian Penal Code. In the said crime, the applicant was arrested on 12.05.2024. Upon completion of the investigation, the chargesheet is filed on 19.07.2024.

2. The police received a distress call from an individual claiming to be under assault. The son of informant was an alcoholic, informed that, on the day of incident, he was residing with the applicant. The complainant found her son deceased. Upon acting on the same, the Police discovered the applicant, who disclosed that while the applicant and the son of complainant were consuming alcohol, the latter became abusive and physically

aggressive. The applicant restrained deceased from behind, resulting in his death.

3. Learned counsel for the applicant submits that the applicant is innocent and is falsely implicated in the case. The prosecution's case rests entirely on circumstantial evidence, with the applicant being arrested merely on suspicion due to his presence at the flat. Furthermore, there is an unexplained delay in lodging the FIR. The investigation is now complete, and the chargesheet has been filed; however, there has been no progress in the trial, which is unlikely to conclude in the near future. There was no motive on the part of the applicant to commit the alleged offence. The incident purportedly occurred under the influence of alcohol, suggesting that, at most, a lesser offence may be made out. Thus, further incarceration of the applicant is unjustified.

4. The learned A.P.P. has opposed the application and submitted that the complicity of the applicant is apparent since the applicant and the deceased were found together while purchasing the liquor and even the spot of the incident in the premises belonging to the present application. The offence is serious in nature. Hence, prayed to reject the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet indicates that the case is premised on circumstantial evidence.

Prima facie, there is absence of material to establish a seamless link involving the applicant in the alleged incident. The allegations, *prima facie*, indicate the incident occurred at the spur of moment and there appears no premeditation on the part of the applicant.

6. Further, the applicant is of 54 years old and behind the bars since arrest on 12.05.2024 i.e. almost more than twenty months. Learned counsel for the applicant made a statement that the trial has not progressed so far only charge has been framed. Considering the fact that, the prosecution proposes to examine 38 witnesses, the trial is unlikely to conclude within a reasonable period. As such, further incarceration of the applicant would be unjustified.

7. In the light of above discussion, I am, therefore, persuaded to exercise the discretion in favour of the applicant. Hence, the following order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Sanmesh Ashok Tendulkar, 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.294 of 2024 dated 12.05.2024 registered with Rajarampuri Police Station, District Kolhapur, for the offence punishable under Section 302 of the Indian Penal Code, 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 applicant 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 this 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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