

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

CRIMINAL APPEAL NO. 70 OF 2026

1. Sagar Bhagwan Jadhav
2. Akshay Bhagwan Jadhav

2.

VERSUS

The State of Maharashtra And Ors.

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Mr. S. S. Jadhwar a/w Mr. T. S. Jadhwar, Advocate for appellants.

Adv. Ms. Preetam Raje, for Respondent No.2 through Legal-aid.

Mr. P. P. Deokar, APP for the Respondent Nos.1 and 3 -State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th APRIL, 2026.

P. C. :

1. The appellants have raised an exception to the order dated 27.02.2026 rendered by the learned Special Judge, Barshi, rejecting the prayer for bail in connection with C.R. No. 64 of 2026 registered with Tembhurni Police Station, District Solapur for the offences punishable under Sections 109, 126, 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the *Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va)* of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST Act").

2. Learned Counsel for the appellants submits that the appellants have been falsely implicated since the appellants and other co-accused as well as villagers have filed various complaints before Government authorities against the illegal commercial activity carried out by the establishment, where the informant works. The provisions of SC/ST Act are not attracted against the appellants and nothing incriminating recovered at the instance of the appellants. All these aspects are overlooked by the Court below. Hence, prayed to allow the application.

3. Per contra, learned APP and learned counsel for Respondent No.2 have opposed the appeal submitting that the offence is serious in nature. The appellants along with co-accused with the intent to inflict injuries had approached the informant. An apprehension is also expressed that if the appellants are enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the appeal.

4. Having heard the submissions from the respective sides and upon perusal of the record including charge-sheet *prima facie* indicates that the appellants are not attributed any role of attacking the informant on any vital part of his body.

5. Further perusal of the injury certificate indicates that all the injuries sustained by the informant are clinically simple in nature, whereas, as per the allegations, the appellants have allegedly used an iron rod and a sword. Thus, *prima facie* there is material inconsistency in the material produced on record.

6. Apart from the aforesaid aspects, learned counsel for the appellants have also placed on record certain copy of complaints which are filed against the establishment, wherein the informant is said to be employed.

7. Given the totality of facts and circumstances, the possibility of over implication cannot be ruled out. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. In this view of the matter, further incarceration of the appellants would be unjustified.

8. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same

can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the appellants.

9. Hence, the order :-

ORDER

I. The appeal is allowed.

II. The appellants - Sagar Bhagwan Jadhav and Akshay Bhagwan Jadhav be released on bail, on furnishing PR. 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. 64 of 2026 registered with Tembhurni Police Station, District Solapur for the offences punishable under Sections 109, 126, 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the *Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va)* of the SC/ST Act, on the following conditions :-

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

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

(c) The appellants 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 appellants, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

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

IV. Professional fees to be paid to learned counsel for the Respondent No.2 appointed through High Court Legal Services Authority is quantified as Rs.7,500/-.

[SACHIN S. DESHMUKH, J.]