

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

CRIMINAL BAIL APPLICATION NO. 1 OF 2026

PRASHANT SAMBHAJI SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Petitioner : Ms. Priyal G. Sarda  
Advocate for Respondent : Dr. Ms. A. A. Takalkar  
...

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 17-03-2026**

**PER COURT:-**

1. The applicant seeks regular bail in connection with Crime No. 301 of 2024 dated 05.04.2024 registered with Juna Rajwada Police Station, District Kolhapur, for the offences punishable under Sections 302, 307, 120B, 143, 147, 148 read with Section 149 of the Indian Penal Code and Section 5 and 27 of the Arms Act. In the said crime, the applicant was arrested on 05.04.2024. After completion of the investigation, the chargesheet has been filed on 30.06.2024.

2. The prosecution case is that the first informant, the mother of the deceased, reported a long-standing rivalry between two local groups led by accused No.1. The groups frequently clashed over area dominance. The conflict escalated in the months leading

up to the incident. Two months prior, accused No.1 threatened the deceased's wife, though the matter was temporarily settled. Fifteen days before the incident, associates of accused No. 1, including co-accused assaulted the deceased's brother-in-law. This was followed by the gang damaging the informant's household property and issuing death threats against the deceased for eight consecutive days. On 04.04.2024, the informant was notified by a neighbor that deceased had been injured and succumbed to death. Hence, the report is lodged.

3. Learned counsel for the applicant submits that the applicant is falsely implicated. The applicant has not committed the alleged offence and is arrested on suspicion. The FIR is filed on the basis of hearsay information. There was no participation or involvement of this applicant in the alleged offence. No incriminating articles were seized at the instance of the applicant.

It is further submitted that the investigating authority has failed to conduct the test identification parade. The applicant is 22 years old and is a labourer. Considering that the investigation is complete, further incarceration of the applicant is unjustified. Hence, the applicant may be released on bail.

4. The learned APP for the respondent has opposed the application and submitted that the applicant is a member of the gang and said altercation had taken place between the opponent

gang of the locality. The applicant alongwith the co-accused has committed a day light murder and the said aspect is witnessed by the witnesses on the spot. As such, the offence is serious in nature and prayed to reject the application.

5. Upon considering the submissions and perusing the material on record, including the chargesheet, *prima facie* indicates that admittedly, an altercation has taken place between two groups on the alleged date at the spot of the incident. However, the allegations levelled in the first information report are omnibus and general in nature.

6. Further, perusal of the record indicates that the investigating authority has recorded statements of the certain witnesses/vendors present at the spot of the incident. The said statements *prima facie* does not disclose specific role or identity of the applicant.

7. It is pertinent to note that the minor witness, namely, Akash/ injured victim has disclosed the roles and the identity of the other co-accused and has nowhere mentioned the name of the applicant. The record, *prima facie*, further indicates that the applicant is solely arraigned as accused on the basis of the witnesses, who are related to the deceased.

8. Learned counsel for the applicant has made a statement that the investigating agency despite having independent eyewitnesses at the spot of the incident, has failed to conduct the test identification parade of the applicant.

9. In view of the aforesaid observations and considering inconsistencies of the statements of the witnesses coupled with the absence of test identification parade as well as young age of the applicant, who is in custody for more than 22 months, I am persuaded to exercise discretion in favour of the applicant.

10. Equally, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration, in the circumstances of the case, does not seem to be either warranted or justifiable.

11. Hence, the following order:-

#### ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Prashant Sambhaji Shinde, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount

in Crime No. 301 of 2024 dated 05.04.2024 registered with Juna Rajwada Police Station, District Kolhapur, for the offences punishable under Sections 302, 307, 120B, 143, 147, 148 read with Section 149 of the Indian Penal Code and Section 5 and 27 of the Arms Act, 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 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