

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

CRIMINAL BAIL APPLICATION NO. 9 OF 2026

Namdev Ganu Kamble

VERSUS

State of Maharashtra

...

Mr. Tejas Hilage, a/w Mr. Tushar Shinde and Mr. Aditya Sanjay

Mr. Abhijit A. Sonawale for the Informant.

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

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 75 of 2025 dated 13.02.2025 registered with Karveer Police Station, District Kolhapur for the offences punishable under Sections 118(2) & 109 of the *Bhartiya Nyaya Sanhita, 2023* .

2. Learned Counsel for the applicant submits that the applicant was initially released on bail. However, on account of death of the victim/wife of applicant, the provisions of Section 109 of the *Bhartiya Nyaya Sanhita, 2023* came to be added and the applicant was apprehended. It is submitted that the applicant is arraigned as accused on the basis of circumstantial evidence and the complaint is

an after thought. The applicant is in custody since his arrest on 14.02.2025 and has no criminal antecedents. Given the old age of the applicant and his deteriorating condition due to kidney and heart disease, prayed to release the applicant on bail.

3. Per contra, learned APP and learned counsel for the informant opposed the application submitting that the applicant used to suspect that his wife/injured administered pills to cause impotency, due to which assaulted with an intention to kill. As such, there is motive on the part of the applicant and prayed to reject the application.

4. Having heard the submissions from respective sides and upon perusal of the record including charge-sheet indicates that initially the FIR was lodged against the applicant for causing grievous hurt to the informant. Subsequently, the supplementary statements of the witnesses came to be recorded leading to the addition of Section 109 of the of the *Bhartiya Nyaya Sanhita, 2023*.

5. It is pertinent to note that the injured/informant i.e. wife of the applicant had given no objection for his release on bail before the trial Court. However, the said request is not acceded by the concerned Court treating it as an attempt of influencing the witness.

6. Considering the aforesaid circumstances, coupled with the fact that the provision of Section 109 of the *Bhartiya Nyaya Sanhita, 2023* is fundamentally levelled at a later stage as well as noting that the primary witnesses in the alleged crime are the family members.
7. Having regard to the age of the applicant i.e. 76 years old and considering that he is suffering with various ailments, such as, kidney stone and other heart disease, I am persuaded to exercise discretion in favour of the applicant.
8. Apart from the aforesaid aspects, 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 applicant would be unjustified. Hence, the order :-

ORDER

- I) The bail application is allowed.
- II) Applicant - Namdev Ganu Kamble 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. 75 of 2025 dated 13.02.2025 registered with Karveer Police Station, District Kolhapur for the offences

punishable under Sections 118(2) & 109 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 approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

(e) It is clarified that in the interest of justice and under any eventuality, the applicant shall be at liberty to approach the trial Court for the relaxation of any of the aforesaid conditions.

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, J.]