

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.44 OF 2026**

Anil Anna Vithal SatheApplicant

Vs.

The State Of MaharashtraRespondents

Ms. Priyal Sarda (through VC) with Mr. Onkar Bajaj, for the Applicant.

Mr. Chandrakant Mali, APP, for the Respondent-State.

Ms. Pallavi Yadav, Hatkangale, Police Station.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 4th FEBRUARY 2026

PC.:-

1. The Applicant has been arrested in C.R. No. 461 of 2024 registered with Hathkanangle Police Station for the offences punishable under Sections 103(2), 119(1), 126(2), 189(2), 189(4), 190, 191(1), 191(2), 191(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that, on the complaint lodged by one Sandeep Kamble, the crime came to be registered. The alleged incident took place on 16th August 2024 at about 2.30 p.m. Thereafter, at around 9.15 p.m., the complainant along with others

went to Kumar Vidya Mandir to meet the Applicant and other persons with a view to resolving a past dispute. It is alleged that the Applicant and other co-accused assaulted the complainant with sticks, bamboo, stones, iron rods, swords, and other sharp weapons. The prosecution alleges that the Applicant, along with two other accused, assaulted the deceased, and therefore the offence came to be registered.

3. The learned counsel appearing for the Applicant submits that this Court has already granted bail to one of the co-accused, who is alleged to be an assailant and against whom specific allegations of assault with bamboo sticks are made. It is further submitted that the Applicant has been in custody for the last 18 months, though the charge has been framed the prosecution witnesses are yet to be examined. The learned counsel further points out that co-accused Dilip Sathe, who is alleged to have assaulted the deceased with bamboo sticks, has been released on bail by this Court.

4. The case of this Applicant is of parity, as there are no specific allegations against him regarding assault. The only allegation attributed to the Applicant is that of instigation. Hence, it is prayed

that the Applicant be released on bail on the ground of parity.

5. Mr. Chandrant Mali, learned APP opposes the Application, contending that specific allegations of assault are made against all the accused persons who were present at the spot. It is submitted that the ground of parity is not applicable, as the Applicant is alleged to have instigated the other accused to commit the murder of the deceased. It is further submitted that there are criminal antecedents against the Applicant, the charge has already been framed, and the trial has commenced. Hence, the learned APP prays for rejection of the Application.

6. Heard the learned counsel appearing for the respective parties.

7. The role attributed to this Applicant is limited to instigating the other accused persons to kill the deceased. There are no specific allegations of assault against the Applicant. It is noted that the co-accused has already been released on bail. Although the charge was framed in October, no witness has been examined by the Trial Court in the last four months. Considering that the ground of parity is available to the Applicant, the Application is allowed on the same

terms and subject to the following conditions.

ORDER

I) Application is **allowed**.

ii) The Applicant, namely, **Anil Anna Vithal Sathe** shall furnish personal bond of Rs.25,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

iii) The Applicant shall remain present before the concerned Police Station in a week on Thursday in between at 11.00 a.m. to 12.00 pm.;

iv) The Applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

vi) The Applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

- vii) The applicant shall not leave the territory of Hathkanangle, without prior permission of the court, till trial is over;
- viii) The applicant shall maintain law and order;
- ix) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
- x) The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;
- xi) The applicant shall regularly remain present during the trial, and cooperate with the Hon'ble court to complete the trial for the above offences.

(MRS. VRUSHALI V. JOSHI, J.)