

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

CRIMINAL BAIL APPLICATION NO. 52 OF 2026

Omkar Sambhaji Varute

VERSUS

State of Maharashtra

...

Mr. Shivajirao Rane i/by Mr. Harshvardhan S. Rane, for Applicant.

Mr. Nitin B. Patil, APP for the respondent-State

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 30<sup>th</sup> MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 126 of 2024 dated 20.05.2024 registered with Panhala Police Station, District Kolhapur, for the offences punishable under Sections 302, 120(b) read with Section 34 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard.

3. Learned Counsel for the applicant submits that the present case is one of over-implication. It is contended that the witnesses had no occasion to identify the applicant, as the face of the applicant was muffled. Further, although the informant claims to

have seen the assailants, Test Identification Parade was not conducted strictly in accordance with the Criminal Manual. It is further submitted that there are material inconsistencies in the narration of the incident, which entitle the applicant to be released on bail.

4. Per contra, the learned A.P.P. opposed the application, submitting that the offence is serious in nature. The witnesses have given an account of the incident indicating the complicity of the present applicant. It is further submitted that recovery has been effected at the instance of the applicant, which disentitles the applicant from being released on bail.

5. Upon considering the submissions of both sides and upon perusal of the material on record, including the charge-sheet, prima facie, it appears that there are general and sweeping allegations against the applicant. As per the allegations, the face of the accused were muffled. As such, there appears no specific role of the applicant in the alleged crime. Thus, there is a possibility of over implication.

6. Furthermore, the applicant is in custody since his arrest on 21.05.2024 i.e. for more than 21 months. Coupled with the fact that

the applicant is a young man aged 25 years, further detention of the applicant may amount to pre-trial detention, which is neither warranted nor justified.

7. Nonetheless, the investigation is complete for all intent and purpose. Resultantly the charge-sheet is filed. Having regard to the number of witnesses which the prosecution proposes to examine, it is unlikely that trial will commence and conclude within a reasonable period.

8. Apart from the above, even while conducting the Test Identification Parade, *prima facie* same is not in coherence with the criminal manual. In that view of the matter, I am persuaded to exercise discretion in favour of the applicant.

9. Hence, the order :-

### **ORDER**

I. The bail application is allowed.

II. applicant - Omkar Sambhaji Varute 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. 126 of 2024 dated 20.05.2024 registered with Panhala Police Station, District Kolhapur, for the offences

punishable under Sections 302, 120(b) read with Section 34 of the *Bharatiya 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, where they are likely to reside as well as their own phone numbers and that of their two 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.

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.]**