

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

CRIMINAL BAIL APPLICATION NO. 71 OF 2026

AJAY DILIP SHINGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mehbub Banadar
Advocate for Respondent : Dr. Ms. A. A. Takalkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 20-04-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.255 of 2024 registered with Hupari Police Station, District Kolhapur, for the offences punishable under Sections 103(1), 61(2), 3(5) of the *Bhartiya Nyaya Sanhita, 2023*.
2. The prosecution's case is that on 29.08.2024 at about 11.30 p.m. unknown persons murdered the deceased who is the owner of the garage, by assaulting him with sharp weapon.
3. The learned counsel for the applicant submits that the case is based on circumstantial evidence. Nevertheless, there is no material on record to indicate the complicity of the applicant in the alleged crime. The applicant is also entitled for parity in view of the order passed by this Court, in Criminal Bail Application No.3424 of 2025 (*Aaryan Dattatray Ghunake vs. The State of*

Maharashtra), dated 17.12.2025, since the accused No.6 Aaryan is admitted to bail by this Court. It is also submitted that the investigation is complete and the chargesheet is filed, as such, further incarceration of the applicant would be unjustified.

4. Per contra, the learned A.P.P. has vehemently opposed the application and submitted that the applicant is involved in serious offence and the prosecution has collected evidence on record which indicate that complicity of the applicant with the offence, as such, prayed for rejection of the application.

5. Upon considering the submissions and perusing the material on record including the chargesheet, *prima facie*, there appears dearth of material on record much less seamless one as to indicate and establish the complicity of the present applicant in the alleged incident. Considering the fact that, since the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed, further incarceration of the applicant would be unjustified.

6. Equally, the applicant deserves to be bail on the ground of parity. The role attributed to the present applicant is similar to that of accused No.6 Aaryan Dattatray Ghunake, who is admitted to bail; therefore, on the ground of parity, the application warrants consideration.

7. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. The applicant is in custody since his arrest i.e. on 05.09.2024, for more than one year four months. 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 of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Ajay Dilip Shinge, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each, with one solvent surety of the like amount in Crime No.255 of 2024 registered with Hupari Police Station, District Kolhapur, for the offences punishable under Sections 103(1), 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, 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 or Pan Card to the Investigation Officer and detailed addresses and phone numbers of the applicant 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 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