

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

CRIMINAL BAIL APPLICATION NO. 99 OF 2026

Pralhad Dhondiram Kamble

....Applicant

VERSUS

State Of Maharashtra and Anr.

....Respondents

Mr. Priyal Sarda (Through VC) a/w Mr. Onkar Bajaj, for Applicant.

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

CORAM : MEHROZ K. PATHAN, J.

DATE : 8th JUNE, 2026.

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1. Heard learned counsel for the Applicant and learned APP for the Respondent – State.

2. The Applicant has approached this Court for seeking a regular bail in connection with C.R. No. 126 of 2024 registered with Panhala Police Station, Kolhapur for the offences punishable under Sections 302 read with Section 34 and 120-B of the Indian Penal Code, 1860 (for short, “IPC”).

3. The case of the prosecution is that in November, 2023 there was dispute between Vikas Ananda Patil and Accused No.1 Yuvraj Gaikwad on the cause of illicit relationship between Vikas’s wife and Yuvraj. The deceased and his relatives severely beat Yuvraj. He was

admitted to hospital but he did not lodge any report against the deceased. Yuvraj had a grudge against them and he was determined to take revenge. The Applicant/Accused and other Accused gathered at bund on Kasari river near Nitawade village at Aare, Tal. Karveer, Dist. Kolhapur. They hatched a conspiracy there to kill informant Malubai Ananda Patil's son Vikas Ananda Patil. Applicant Sharad Balwant Patil was deputed to keep watch on him. On 19-05-2024 at 6:00 p.m., Vikas had been to a dairy at village Porle to supply milk. At around 6:30 p.m., he was coming back to his cowshed. His mother Malubai was proceeding to the house, nearby the cowshed. When she came near Talekar's brickkiln, she noticed that her son Vikas's motorcycle was lying there with milk cans. In order to see what did happen, she went ahead. She noticed that Yuvraj Shivaji Gaikwad and two other unknown persons, who had covered their faces with black clothes, were beating Vikas with sticks. She also noticed Accused Sharad Balwant Patil, standing there. In order to save her son, she rushed and lied on him. Yuvraj caught hold of her right hand and separated her. The assailants again started beating her son. She screamed for help. Some villagers came there. The assailants ran away by seating in gray colour vehicle. Sharad Patil went towards village Porle on his motorcycle. Vikas was admitted to hospital but he

died before his treatment. After registration of crime, all the accused came to be arrested and charge-sheet came to be filed against them.

4. Learned counsel for the Applicant submits that the Applicant is falsely implicated in the present crime. It is further submitted that, even if the allegations in the prosecution case are taken to be true, the only role attributed to the Applicant is that the Applicant was present on the spot along with the main accused Yuvraj and is alleged to have assaulted the victim by means of wooden stick. However, no allegations is made that the Applicant assaulted the victim on any vital part of the body resulting in his death. The main Accused Yuvraj is attributed the role of assaulting the deceased by means of wooden stick on the vital part i.e. head. The Applicant is allegedly identified by the witnesses during the identification parade. The Applicant is not having any criminal antecedents and is ready to abide by conditions that may be imposed by this Court. The other co-accused Omkar Varute is released on bail vide order dated 30th March, 2026, passed in Criminal Bail Application No.52 of 2026. The Applicant also stands on the same footing. As the allegations are identical in nature. The Applicant may be released applying of principles of parity.

5. Learned APP on the other hand strongly opposes the bail application on the ground that the Applicant is involved in the serious

offence of committing murder by hatching conspiracy. The offence is serious in nature and is punishable with death or life imprisonment. The Applicant though not named in the F.I.R. however, the F.I.R. lodged by the mother of the deceased specifically refers to two unknown persons along with the main accused Yuvraj. The Applicant is one of the unknown persons mentioned in the F.I.R. The role of the present Applicant is revealed during the course of the investigation, after the arrest of main accused Yuvraj Gaikwad. The Applicant if released on bail may tamper with the evidence and influence the witnesses thereby causing prejudice to the prosecution case, hence the application may be rejected.

6. I have gone through the charge-sheet filed along with the present application. I have also gone through the order passed by this Court in case of Omkar Varute dated 30th March, 2026 passed by this Court (Coram: Sachin S. Deshmukh, J) in Criminal Bail Application No.52 of 2026. The perusal of the First Information Report particularly refers to two unknown assailants accompanying main Accused Yuvraj. The Applicant along with another co-accused Omkar Varute is revealed to be the two unknown persons accompanying the main accused Yuvraj who have assaulted the deceased. This Court vide its order dated 30th March, 2026 has already released the another co-accused Omkar Varute who was also

identified in the identification parade, as one of the accused, as this Court has found that the accused Omkar Varute is arrested on 21/05/2024 and is behind bars for more than 21 months and that further detention of the accused Omkar would amount to pre-trial detention. The role of the Applicant appears to be identical from the perusal of the record. Investigation is already completed and has culminated into filing of the charge-sheet. There are numbers of witnesses proposed to be examined by the prosecution. The present Applicant is also arrested on 24/05/2024 i.e. for more than 21 months. Thus, in my opinion, since this Court has already granted bail to the another co-accused Omkar Varute and against whom there are identical allegations of assaulting by means of wooden stick along with the main accused Yuvraj, applying the principles of parity, I am inclined to exercise the discretion for release of the present Applicant on certain conditions, hence the following order :-

ORDER

- I. The bail application is allowed.
- II. The Applicant - Pralhad Dhondiram Kamble be released on bail, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 126 of 2024 registered with Panhala Police Station, Kolhapur for the offences punishable under Sections 302

read with Section 34 and 120-B of the Indian Penal Code, 1860 (for short, “IPC”), 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 Card and PAN Card 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.

7. 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.

(MEHROZ K. PATHAN, J.)