

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 128 OF 2026

SANTOSH PRAKASH KELUSKAR AND ANR.

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

Advocate for Applicants : Mr. Umakant V. Waghmare h/f Mr. Milind Deshmukh

APP for Respondents-State : Mr. P. P. Deokar

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th March, 2026

PER COURT :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 16.01.2026 bearing Crime No. 8 of 2026 registered with Malvan Police Station, Dist. Sidhudurg for the offences punishable under Sections 118(2), 118(1), 189, 189(2), 191(2), 190, 75(2), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

2. The prosecution's case is that on the day of the incident, accused Sujal Keluskar along with the other applicants / accused, acted in concert to commit the alleged offences. As per the FIR, Sujal Keluskar initiated the assault by attacking Rajan

Kandalgaonkar and Sachin Aadkar using a rod and a wooden log. In the course of this violence, Rajan Kandalgaonkar sustained a significant head injury, highlighting the severity of the weapons used and the nature of the attack. The applicants / accused did not merely stand by but actively joined Sujal Keluskar in the commission of these acts. It is alleged that they assaulted Nitin Todankar, with the medical injury certificate confirming that he sustained a grievous injury. In addition to the physical violence, the prosecution highlights that the applicants / accused allegedly assaulted and outraged the modesty of both the mother and the aunt of the informant.

3. The learned counsel for the applicant submits that the applicants have been falsely implicated in the offence. There are counter FIRs. There are general and omnibus allegations against the applicants. The investigation is almost complete. Nothing remains to be recovered at the instance of applicants. As such, further incarceration of the applicants is unjustified. Hence, prayed to allow the application.

4. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient

material on record to establish the applicants' complicity. The investigation is in progress. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with. Accordingly, it was prayed that the application be rejected.

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, the prosecution contends that the present applicants acted in concert, the specific overt acts resulting in the head injury to Rajan Kandalgaonkar are not prima facie directed at present applicants. The principle of individual attribution must be weighed against the general allegation of common intention at this preliminary stage to ensure that pre-trial detention does not become punitive.

6. Regarding the allegations under Section 354 of the IPC concerning the modesty of the informant's mother and aunt, the prima facie allegations against these two applicants appear to be exaggerated one. The F.I.R. lacks specific details regarding the distinct physical actions by the applicants that would constitute the ingredients of outraging modesty.

7. The arrest of the applicants has been effected on 17.01.2026. Nothing remains to be recovered at the instance of applicants. The investigation is at the verge of completion. As such, further detention of the applicants 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 applicants.

8. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicants – Santosh Prakash Keluskar and Mahadeo Prakash Keluskar be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in Crime No. 8 of 2026 registered with Malvan Police Station, Dist. Sidhudurg for the offences punishable under Sections 118(2), 118(1), 189, 189(2), 191(2), 190, 75(2), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951, on the following conditions :-
 - (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.

- (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (d) Breach of any of the conditions by the applicants would entail the cancellation of the bail.
- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.
- (iv) **List this matter on 01.04.2026 for filing the Affidavit on behalf of concerned Investigating Officer.**

(SACHIN S. DESHMUKH, J.)

Omkar Joshi