

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

CRIMINAL BAIL APPLICATION NO. 131 OF 2026

Aditya Balaso Gath

VERSUS

The State of Maharashtra And Anr.

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Mr. D.M. Latake a/w Mr. Nikhil D. Gore, Mr. Pritam P. Gurav,
Mr. Keshav Modani, Advocate for Applicant.

Mr. Anand S. Shalgaonkar APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 241 of 2025 dated 14.08.2025 registered with Hupari Police Station, District Kolhapur, for the offences punishable under Sections 109(1), 118(1), 115(2), 351(2) and Section 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4 and 25 of the Arms Act, 1959.

2. The prosecution case is that, on 13.08.2025 at about 05:45 p.m. the complainant and his associates were resting at a cattle shed near Hupari Bypass Road. At that time, suddenly applicant along

with two unknown persons came in the cattle shed. Due to grudge over a previous dispute, accused No.1 threatened the complainant to kill. Immediately thereafter, accused No.1 and one unidentified person, with intent to cause death, assaulted the complainant on his hand by using iron rod (Edka). Simultaneously, the applicant and co-accused restrained the complainant and assaulted with fists and kick blows. Hence, the report.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There is unexplained delay in lodging the complaint. The injuries are simple in nature. There are no criminal antecedents against the applicant. The applicant is in custody for more than six months. Investigation is completed and the charge-sheet is filed. The trial is unlikely to conclude within a reasonable period. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

4. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The complicity of applicant is apparent from the evidence collected by the

Investigating Officer. Considering the role attributed to the applicant and severity of the offence, applicant does not warrant consideration. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the application.

5. Upon considering the rival submissions, perusal of material on record and considering the fact that, *prima facie* perusal of Medical Certificate indicates nature of injury as simple. Apart from the above, applicant has no criminal antecedents. The investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed, as such further incarceration of the applicant is unjustified.

6. Apart from the aforesaid aspects, having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same can be adequately taken care of by imposing stringent conditions. Hence, the order :-

ORDER

- I. The bail application is allowed.
- II. Applicant - Aditya Balaso Gath be released on bail, on furnishing PR. 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. 241 of 2025 dated 14.08.2025 registered with Hupari Police Station, District Kolhapur, for the offences punishable under Sections 109(1), 118(1), 115(2), 351(2) and Section 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4 and 25 of the Arms Act, 1959, 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 and phone numbers 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 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.]