

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

CRIMINAL BAIL APPLN. NO. 137 OF 2026

Shri Ambadas Kisan Kavtike
VERSUS
The State Of Maharashtra And Ors.

Mr. Shailesh D. Chavan with Mr. Adesh Chavan with Mr. Suleman
Shaikh for the applicant
Mr. Anand S. Shalgaonkar APP for the State

CORAM : SACHIN S. DESHMUKH, J.
DATE : 6th APRIL, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 531/2020 dated 05/10/2020 registered with Phaltan Rural Police Station, District Satara for offences punishable under Sections 363, 302, 305, 506, 376(3), 354-A of the Indian Penal Code and under Sections, 3(1)(r), 3(2)(v), 3(1)(w)(1)(ii) u/s 3(2)(i-a) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act') and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. Learned counsel for the applicant submits that the applicant is

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falsely implicated in the case. The applicant is not named in the F.I.R. and there is unexplained delay in lodging the F.I.R. Apart from the statement of the sister of deceased, there is nothing incriminating against the applicant. The applicant and the victim/deceased were in consensual relationship. Given that the investigation is complete and charge-sheet is filed, further detention of the applicant is unjustified.

3. Per contra, learned APP has opposed the application submitting that the offence is serious in nature. The applicant in a pre-planned way killed the victim. Given the overwhelming evidence against the applicant and the potential for punishment, the applicant is not entitled for bail.

4. The learned APP has further raised an objection to the maintainability of this Bail Application since the provisions of SCST Act are levelled against the applicant.

5. Having heard the submissions from both the sides and before considering the application, it is pertinent to note that the applicant is arraigned as accused for the offences under POCSO Act as well as the SC/ST Act.

6. Considering the ratio laid down in Criminal Appeal No. 521/2023 in the case of *Somnath Dhanaji Khomane Vs. The State of Maharashtra and anr*, I am of the view that the procedural and technical aspects ought not to defeat the ends of justice, as such I am of the considered opinion that the present application is maintainable.

7. Perusal of the record prima facie indicates that the victim/deceased was in love relation with the applicant and had allegedly insisted him to marry her. On account of the refusal by the applicant, the victim committed suicide. *Prima facie*, there is nothing substantial on record to establish whether the provisions of Section 302 of the Indian Penal Code are attracted against the applicant. Particularly, when the post-mortem report indicates the cause of death by drowning.

8. Furthermore, the applicant is in custody since arrest on 13/10/2020 i.e. for more than 5 years. Therefore, further pre-trial incarceration would be unjustified. The investigation is complete for all intent and purpose and the charge-sheet is filed to that effect. Having regard to the number of witnesses which the prosecution proposes to examine, the trial is unlikely to conclude within a

reasonable period. As such further detention of the applicant may amount to pre-trial detention, which is neither warranted nor justified.

9. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Shri Ambadas Kisan Kavtike 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. 531/2020 dated 05/10/2020 registered with Phaltan Rural Police Station, District Satara for offences punishable under Sections 363, 302, 305, 506, 376(3), 354-A of the Indian Penal Code and under Sections, 3(1)(r), 3(2)(v), 3(1)(w)(1)(ii) u/s 3(2)(i-a) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act') and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, 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 move the Trial Court seeking cancellation of bail.

10. 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.]