

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

CRIMINAL BAIL APPLICATION NO. 217 OF 2026

Rohan @ Vaibhav Subhash Kamble

VERSUS

The State of Maharashtra And Anr.

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Ms. Pallavi Kante, Advocate for Applicant.

Dr. A.A. Takalkar, APP for the Respondents – State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 24th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 73 of 2025 dated 24.02.2025 registered with Islampur Police Station, District Sangli for the offences punishable under Sections 109(1), 189(2), 191(2), 191(3), 324(4), 126(2), 111(2)(B), 111(4) of the *Bhartiya Nyaya Sanhita, 2023* read with Sections 4 and 25 of the Arms Act.

2. The prosecution case in brief is that, on 23rd February 2025, at about 13:35 hours, the accused persons, harboring prior enmity arising from a past dispute, formed an unlawful assembly and intercepted the informant's son, while proceeding to a petrol

pump on his scooter. It is alleged that the accused along with two unidentified accomplices, launched a brutal and premeditated assault using an sharp weapon/*Edaka* (Parali), a knife, and physical force. The prosecution contends that the accused, acting with the common intention to cause death, inflicted grievous injuries upon the victim's hands, legs, and face. Hence, the report.

3. Learned Counsel for the applicant submits that it is a case of over implication. There is no recovery effected at the instance of the applicant in any case. Investigation is completed and the charge-sheet is filed. Considering the number witnesses which the prosecution is citing, there is every likelihood that trial will take considerable time. As such, further incarceration of the applicant is unjustified and would amount to pre-trial conviction. Hence, prayed to allow the application.

4. Per contra, learned APP opposed the application emphasizing the criminal antecedents of the applicant. The complicity of applicant is apparent from the evidence collected by the Investigating Officer. 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 hearing the learned counsel for the applicant and the learned A.P.P., and on perusal of the record including the charge-sheet, *prima facie* it appears that Accused No. 1 alone is alleged to be the only named assailant, and the case as against present applicant appears to be one of over-implication. The alleged recovery is also already effected. The applicant is in custody since his arrest on 25.02.2025 i.e. more than a year. Given the age of applicant and considering the potential for reformation coupled with the fact that the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed.

6. While the prosecution highlights the applicants' criminal antecedents, it is a settled principle of law in the case of ***Prabhakar Tewari Vs. State of U.P. and another [(2020) 11 SCC 648]*** that mere existence of prior cases does not serve as a ground to deny bail, if the facts of the current case, fail to establish a *prima facie* necessity for continued incarceration.

7. 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. In this view of the matter, further incarceration

of the applicant would be unjustified. 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 - Rohan @ Vaibhav Subhash Kamble be released on bail, on furnishing P.R. 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. 73 of 2025 dated 24.02.2025 registered with Islampur Police Station, District Sangli for the offences punishable under Sections 109(1), 189(2), 191(2), 191(3), 324(4), 126(2), 111(2)(B), 111(4) of the *Bhartiya Nyaya Sanhita, 2023* read with Sections 4 and 25 of the Arms Act, 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 not enter the jurisdiction of Islampur Tahasil till conclusion of trial except attending the dates before the concerned Court.
- (c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicants shall submit Aadhar and Pan Cards 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.

(e) 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.]