

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 230 OF 2026

Vishal Jayavant Bhosale
VERSUS
The State Of Maharashtra And Anr

...
Advocate for Applicant : Ms. Pallavi Kante
APP for Respondent-State : Mr. S. H. Yadav
...

CORAM : SACHIN S. DESHMUKH, J.
Date : 24th March, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 16.08.2024 bearing Crime No. 149 of 2024 registered with Kasegaon Police Station, Dist. Sangli for the offences punishable under Sections 103(1), 61(2), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Sections 3, 25 and 27 of the Indian Arms Act.

2. The prosecution case is that on 16.08.2024, the informant Shashikant Mahadev Shid lodged a report at the police station with allegation that approximately ten months prior, a criminal case had been registered against his colleague, Pandurang Shid, for carrying an illegal money-lending business. On the day of

the incident, at approximately 07:30 hours, the informant had gone to his field to milk his cows when he received a phone call from Sanjay Shid. During this conversation, it was informed him that Amol Kharade had spotted Pandurang Shid lying near Jagannath Shid's well. Upon arriving at the scene, the informant discovered that an unidentified person had committed the murder of Pandurang Shid using a firearm.

3. It is alleged that based on the above information, the police initially registered the crime against unknown persons. During the subsequent investigation, several co-accused were arrested based on gathered information, and a charge-sheet was filed against them. The present applicant was arrested on 17.08.2024.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offence. It is contended that there is no direct evidence or eye-witness linking the applicant to the alleged murder and the entire case against him rests solely on circumstantial evidence. The necessary recovery is already effected at the instance of co-accused. The investigation is complete and the charge-sheet is filed. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow

the application.

5. 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 applicant's complicity. The applicant's involvement is substantiated by CCTV footage obtained during the investigation, in which the applicant's physical presence at the relevant location is apparent. 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.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, while the prosecution relies on CCTV footage to establish the presence of the applicant, the mere presence of an individual in a public or nearby area, without more substantial evidence linking them to the actual act of firing or a specific overt role in the conspiracy to commit murder, in absence of seamless chain of events establishing complicity of the applicant, cannot be the sole basis for continued incarceration at this stage.

7. Although the offence under Section 302 of the Indian Penal Code is of a grave nature, the case prima facie appears to be

based on circumstantial evidence that must be tested during the course of the trial. Since the trial is unlikely to conclude in the near future and the applicant has already been in custody for several months, further detention would amount to pre-trial punishment.

8. Moreover, the alleged weapon and other articles connected with the crime have already been recovered by the Investigating agency. The investigation is complete for all intent and purpose and the charge-sheet is filed. Nothing remains to be recovered at the instance of applicant.

9. Having regard to the number of witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant 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 applicant.

10. Hence, the following order:

ORDER

(I) Application is **allowed**.

(II) Applicant – Vishal Jayavant Bhosale be released on

regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 149 of 2024 registered with Kasegaon Police Station, Dist. Sangli for the offences punishable under Sections 103(1), 61(2), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Sections 3, 25 and 27 of the Indian Arms Act, 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.

(SACHIN S. DESHMUKH, J.)