

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

CRIMINAL BAIL APPLICATION NO. 285 OF 2026

SANTOSH @ SANJAY DURGA LIMBANKAR
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Shama Mulla and Ms.Preetam Raje
Advocate for Respondents : Mr. P. P. Daokar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-04-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.78 of 2025 dated 12.08.2025 registered with Lohmarg Miraj Police Station, Taluka Miraj, for the offences punishable under Sections 103(1) of the *Bhartiya Nyaya Sanhita*, 2023. In the said crime, the applicant was arrested on 12.08.2025. After completion of the investigation, the chargesheet is filed on 22.09.2025.

2. The prosecution case is that on 11.08.2025 at 10.45 p.m. the complainant received phone call from Miraj Police informing that injured/husband sustained head injuries and admitted in Civil Hospital, Miraj. So, the complainant came to Civil Hospital, Miraj and found that her husband had sustained head injuries and died. The complainant came to know from one Suresh and Yogesh that on Platform No.2, Railway Station, Miraj accused assaulted by stick

over the head and hand of her husband resulting into death. Hence, report lodged.

3. The learned counsel for the applicant submits that the deceased, a habitual drunkard as admitted in the complaint, was heavily intoxicated at the time of the incident. Consequently, the deceased lost balance and fell onto the railway tracks. The applicant, who is the sole eyewitness, contends that the death was sheer accident occurred without premeditation, motive, or intent. Further, the complaint is a hearsay. The applicant has been falsely implicated in what was clearly a tragic railway accident. The investigation is complete for all intent and purpose. As such, further incarceration would be unjustified. Hence, prayed to admit the applicant to bail.

4. The learned A.P.P. vehemently opposed the application, submitted that the specific role is assigned to the applicant in the FIR establishes a clear *prima facie* case. Considering the nature of the injuries sustained by the deceased and the gravity of the offence, which carries a potential sentence of life imprisonment or death, the applicant's complicity is apparent. Further, the prosecution contends that releasing the applicant at this stage poses a significant risk of evidence tampering and the intimidation of material witnesses. Hence, prayed for rejection of the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the chargesheet indicates that the case is premised on circumstantial evidence. *Prima facie*, there is absence of material to establish a seamless link involving the applicant in the alleged incident. The applicant is behind the bars since arrest i.e. 12.08.2025.

6. While the prosecution emphasizes the gravity of the offence and the specific role attributed to the applicant. The deceased's history of intoxication and the lack of a clear motive. Further, as the investigation is largely complete and the risk of tampering can be mitigated by strict conditions.

7. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. 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 such, further incarceration 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 discretion in favour of applicant.

8. Hence, the order:-

ORDER

- (i) The criminal bail application is allowed.
- (ii) Applicant, Santosh @ Sanjay Durga Limbankar, be released on bail, upon 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 Crime No.78 of 2025 dated 12.08.2025 registered with Lohmarg Miraj Police Station, Taluka Miraj, for the offences punishable under Sections 103(1) of the *Bhartiya Nyaya Sanhita*, 2023, 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 and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (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 this Court seeking cancellation of 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]
JUDGE