

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

CRIMINAL BAIL APPLN. NO. 327 OF 2026

Depak Dilip Naik
VERSUS
The State Of Maharashtra And Another

Mr. Saurabh P Tandale, Mr. Sagar Shinde, Advocate for Applicant
Mr. Nitin B. Patil, APP for the Respondent-State

CORAM : SACHIN S. DESHMUKH, J.
DATE : 7th MAY 2026.

P. C. :

1. By this Application, the Applicant seeks regular bail in connection with C.R. No. 522/2025 registered with Vadgaon Police Station, Kolhapur District: Kolhapur for offences punishable under Sections 109, 115(2), 352, 351(3) of Bhartiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the crime. It is contended that there are material inconsistencies in the statements of the witnesses and absence of motive for the alleged offence. The Counsel further submits that the informant, who is the wife of the applicant, has falsely implicated him under pressure from her mother-in-law. It is

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highlighted that the investigation is complete and the chargesheet has been filed; hence, it is prayed that the application be allowed.

3. Learned APP has opposed the application submitting that the offence is serious in nature and expressed apprehension that if applicant released on bail, there is a possibility that applicant may influence or tamper the witnesses.

4. Having heard the submissions and upon perusal of the record including the chargesheet indicates that the applicant is the husband of the informant. The alleged incident appears to have taken place in the spur of the moment out of some quarrel between the parties. The specific circumstances under which the incident occurred do not *prima facie* indicate intent or premeditation on the part of the applicant. The circumstances and nature of the injuries, when viewed in the context of occurrence of the incident unfolded, fails to *prima facie* establish the requisite *mens rea* to satisfy the ingredients of an offence under Section 109 of the Bhartiya Nyaya Sanhita, 2023 at this preliminary stage. In the absence of demonstrable intent to cause death or such bodily injury as is likely to cause death, the applicability of the said section remains a matter of trial.

5. Having regard to the number of witnesses which the prosecution proposes to examine, it is 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.

6. So far as apprehension expressed by learned APP is concerned, it can be adequately taken care of by imposing stringent conditions.

7. Hence, following order:

ORDER

8. The bail application is allowed.

9. Applicant, Depak Dilip Naik 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. 522/2025 registered with Vadgaon Police Station, Kolhapur District: Kolhapur for offences punishable under Sections 109, 115(2), 352, 351(3) of 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.

(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 concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail to the Applicant.

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.]