

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

CRIMINAL BAIL APPLICATION NO. 332 OF 2026

Mayur Anil Darade

VERSUS

The State of Maharashtra And Anr.

...

Mr. Saurabh P. Tandale a/w Mr. Pratik Jadhav h/f Mr. Jagadish Anand Dagade, Advocate for Applicant.

Dr. Ashvini A. Takalkar, APP for the Respondents-State.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th MAY, 2026

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 134 of 2025 dated 01.04.2025 registered with Vairag Police Station, District Solapur for the offences punishable under Sections 103(1), 115(2) and Section 35 of the *Bhartiya Nyaya Sanhita, 2023*.
2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. The alleged incident has occurred at the spur of moment and there is no pre-mediated act, which has resulted into death of the deceased. Investigation is complete and the charge-sheet is filed. The trial is unlikely to conclude within a reasonable period. As such, further incarceration

of the applicant is unjustified. Hence, prayed to allow the application.

3. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The complicity of applicant is apparent from the evidence collected by the Investigating Officer. This being a successive bail application and there being criminal antecedents at the discredit of the applicant, learned APP expressed an apprehension that if the applicant is enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the application.

4. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet *prima facie* indicates that the original complaint is lodged at the instance of the deceased during the treatment. Perusal of the same indicates that the alleged incident had occurred at the spur of the moment and discloses no element of use of any deadly weapon.

5. Further perusal of the record indicates that the earlier bail application of the applicant came to be withdrawn with liberty to comply with the directions regarding disclosure of criminal antecedents. Pursuant to the order dated 30.03.2026 in Criminal

Bail Application No.250 of 2026, the applicant has disclosed around total four antecedents. Moreover, the applicant is acquitted in one of the aforesaid crime while three are pending. As such, the presumption of innocence with regard to pending antecedents weighs in favour of the applicant.

6. Nevertheless, the Hon'ble Apex Court in case of ***Prabhakar Tewari Vs. State of U.P and another***¹ 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. 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. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the order :-

ORDER

I. The bail application is allowed.

1 (2020) 11 SCC 648

II. Applicant - Mayur Anil Darade 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. 134 of 2025 dated 01.04.2025 registered with Vairag Police Station, District Solapur for the offences punishable under Sections 103(1), 115(2) and Section 35 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.

(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 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.]