

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

CRIMINAL BAIL APPLICATION NO. 340 OF 2026

Atul Mahadev Kale

VERSUS

The State of Maharashtra And Anr.

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Mr. Aditya S Raktade a/w Mr. Satyajeet T. Swami, Mr. Sudhir Patil
and Mr. Sumit Vanbhatte, Advocate for Applicant.

Mr. Anand Subhash Shalgaonkar, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th MAY, 2026

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 107 of 2025 dated 30.07.2025 registered with Talbid Police Station, District Satara, for the offences punishable under Sections 310(2), 311, 305(C), 61(2) & 3(5) of the *Bhartiya Nyaya Sanhita, 2023*.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. The injuries suffered by the victim are simple in nature. The co-accused is enlarged on bail by the trial Court. There is inordinate delay in recording the supplementary statement. As such, there is a possibility of over

implication. The investigation is complete and the applicant is in custody since 25.09.2025 for more than seven months. Further custody of the applicant is not required. Hence, prayed to allow the application.

3. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The recovery is carried out at the instance of the applicant. The applicant along with co-accused are identified in the test identification parade. As such, there is complicity of the applicant in the crime. 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.

4. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet indicates that the co-accused are released on bail by the trial Court. Perusal of the order indicates that except the alleged recovery of articles carried out by the statement of the applicant, the role of applicant is more or less similar to that of the co-accused. Since the necessary recovery is effected by the Investigating agency and the charge-sheet is filed, further detention of the applicant would amount to pre-trial

detention, which is neither warranted nor justified.

5. 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.

6. 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.

7. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Atul Mahadev Kale 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. 107 of 2025 dated 30.07.2025 registered with Talbid Police Station, District Satara, for the offences punishable under Sections 310(2), 311, 305(C), 61(2) & 3(5) 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.]