

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

CRIMINAL BAIL APPLICATION NO. 360 OF 2026

Kshitij Chandrakant Sutar

VERSUS

The State of Maharashtra And Another

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Mr. Ramanik Pawar a/w Mr. Abhishik Shah, Mr. Samadhan Mahamulkar, Mr. Ruturaj Patil, Mr. Amit Waykool, Mr. Dinesh Sonarlikar i/by Mr. Parvej N. Nadaf, Advocate for Applicant.

Dr. Ashvini A. Takalkar, 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. 378 of 2025 dated 28.05.2025 registered with Rajarampuri Police Station, District Kolhapur, for the offences punishable under Sections 316(2), 318(4), 351(2), 3(5) of the *Bhartiya Nyaya Sanhita, 2023*, Sections 66(C), 66(D) and 43 of the Information Technology Act, 2000.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant is implicated on the basis of the statement made by the co-accused. As far as the

antecedents of the applicant are concerned, the applicant is arraigned as accused, solely on suspicion and are pending trial. Investigation is completed and the charge-sheet is filed. The applicant is in custody since 05.06.2025 i.e. for more than 11 months.

3. It is further submitted by the learned counsel for the applicant that the co-accused are released on bail by this Court vide orders dated 19.01.2026 and 08.04.2026 in Criminal Bail Application Nos. 3635 of 2025, 3740 of 2025 respectively. 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.

4. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The applicant along with co-accused under the guise of digital arrest compelled the victim and have misappropriated the amount. Given the antecedents of the applicant, expressed the apprehension that the applicant may commit similar offence, if released on bail. Hence, prayed to reject the application.

5. Having heard the submissions from both the sides and upon

perusal of the record including charge-sheet *prima facie* indicates that initially the FIR was lodged against the unknown person, the applicant is primarily apprehended on the basis of the confessional statement of the co-accused. However, the same cannot be used as a sole basis withhold the liberty of the applicant. Moreover, the offences levelled against the applicant are punishable up to seven years of imprisonment, while the applicant has already undergone incarceration for a period of one year.

6. Apart from the aforesaid aspect, considering that the co-accused are enlarged on bail by this Court, the applicant deserves to be admitted to bail, on the ground of parity.

7. While the prosecution highlights the applicants' criminal antecedents, it is a settled principle of law in the 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.

8. 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

¹ (2020) 11 SCC 648

of the matter, further incarceration of the applicant would be unjustified.

9. 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.

10. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Kshitij Chandrakant Sutar 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. 378 of 2025 dated 28.05.2025 registered with Rajarampuri Police Station, District Kolhapur, for the offences punishable under Sections 316(2), 318(4), 351(2), 3(5) of the *Bhartiya Nyaya Sanhita, 2023*, Sections 66(C), 66(D) and 43 of the Information Technology Act, 2000, 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.]