

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

CRIMINAL BAIL APPLICATION NO. 366 OF 2026

Jitendra Dagadu Kale

....Applicant

VERSUS

State Of Maharashtra and Anr.

....Respondents

Adv. Vedasta Rane (Through VC) i/b Adv. Sunita Vijay Dhanawade,
for Applicant.

Mr. Shrikant V. Gavand, APP, for the Respondent-State.

CORAM : MEHROZ K. PATHAN, J.

DATE : 16th JUNE, 2026.

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent – State.

2. The Applicant has approached this Court seeking regular bail in connection with Crime N.423 of 2025 registered with Sangla Police Station, Solapur Rural, for the offences punishable under Sections 305(a), 331(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is that, a theft was committed at the house of the complainant, Mahesh R. Imde, a resident of Karadwadi, Taluka: Kolhe, District: Solapur. In the intervening night of 17/05/2025 and 18/05/2025, between 11:00 p.m. and 4:00 a.m.,

unknown persons unlawfully entered the complainant's house and had committed house trespass by night. After breaking open the lock of the main door has stolen the golden ornaments value of Rs.2,50,000/- were missing from the house of the complainant. The house breaking was committed in the night, and therefore, the first information report was lodged by the complainant.

4. Learned counsel Mr. Vedasta Rane for the Applicant submits that the Applicant is falsely implicated in the present crime. The Applicant is in custody since 23/05/2025. It is submitted that the only evidence relied upon by the prosecution against the Applicant is his criminal antecedents, consisting of several theft cases registered against the present Applicant. It is a settled principle of law that merely on the basis of criminal antecedents, an accused cannot be denied liberty if there is no role shown by the prosecution in the present crime.

It is further submitted that the fingerprints found at the spot were matched with those of the Applicant's relative, namely Sani Charan Shinde, who has been shown as the main accused in the present crime. The said accused was arrested during the course of investigation and was subsequently released on regular bail by the learned J.M.F.C. Sangola vide order dated 27/11/2025 passed in R.C.C. No.203 of 2025.

The son of the Applicant, namely Akshay Kale, who was also arrested as one of the prime accused alleged to have committed the said offence along with the main accused Sani Charan Shinde, has been released on regular bail by the learned J.M.F.C. Sangola in the present crime. Thus, the entire investigation is already completed and the charge-sheet was filed long back and the case is registered as R.C.C. No.203 of 2025. The further custody of the Applicant is therefore not necessary. The Applicant undertakes to abide by any conditions that may be imposed by this Court. Hence, the Applicant may be released on regular bail.

5. As against this learned APP relying upon the reports submitted by the prosecution showing 19 criminal antecedents of the identical nature registered against the present Applicant strongly opposes the bail application. The learned APP further submits that the prosecution has collected ample evidence to bring home the guilt of the Applicant in the present crime. The phone number used by the Applicant during the commission of the said crime is shown to be on the location near by 15 km at the spot, where the offence was committed. The involvement of the son of the present Applicant was also revealed during the course of investigation. Taking into consideration the criminal antecedents of the Applicant, there is every likelihood that the Applicant if released on bail, may again commit

identical offence of theft. Hence, this is not a fit case to release the Applicant on regular bail.

6. I have gone through the investigation papers which has culminated into filing of the charge-sheet in the present crime. A perusal of the first information report shows that the said F.I.R. was filed against unknown persons. However, during course of the investigation, the name of the main accused Sani Charan Shinde was revealed during investigation. His fingerprints were also found to be matched along with finger prints obtained from the spot where the offence of house-breaking took place. The main accused Sani Charan Shinde, whose fingerprints were matched, is also released on regular bail on 27/11/2025. The son of the present Applicant whose involvement is found as one of the prime accused in the present crime namely Akshay Kale is also released on regular bail by the learned J.M.F.C. Sangola. The investigation is already completed. The charge-sheet is filed by the prosecution and the charges are yet to be framed. The trial will take its own time to conclude. The Applicant is behind bars since 23/05/2025 and that the involvement of the present Applicant in the present crime appears to be based upon a weak evidence against collected by the prosecution against him.

7. I am thus inclined to release the Applicant on bail. The apprehension of the learned APP can be taken care of by imposing

stringent conditions upon the present Applicant. Hence, the following order:-

ORDER

- i. The application is allowed.
- ii. The Applicant - Jitendra Dagadu Kale be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, in connection with Crime N.423 of 2025 registered with Sangla Police Station, Solapur Rural, for the offences punishable under Sections 305(a), 331(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions:
 - A) The Applicant is directed to attend the concerned police station on 1st and 15th day of every month between 11:00 a.m. to 2:00 p.m. without fail.
 - B) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.
 - C) The Applicant shall submit his Aadhar Card and PAN Card copy to the Investigating Officer and detailed addresses of the residence and phone numbers of himself and two of the near relatives.

D) Failure on the part of the Applicant to comply with the conditions shall entitle the prosecution to seek cancellation of bail.

8. In view of the aforesaid terms and conditions, the application is allowed and stands disposed of.

(MEHROZ K. PATHAN, J.)