

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

CRIMINAL BAIL APPLICATION NO. 369 OF 2026

Akshay Ananda Otari
VERSUS
State of Maharashtra And Anr.

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Mr. Ramanik Pawar a/w Mr. Abhishek Shah, Mr. S.V. Mahamulkar,
Mr. Ruturaj Patil, Ms. Prajakta Bhilugade i/by Mr. Amit Waykool,
Advocate for Applicant.

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

Mr. Vinayak Prakash Sapate (PSI), Karveer Police Station, present.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 5th MAY, 2026

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 669 of 2025 dated 22.10.2025 registered with Karveer Police Station, District Kolhapur, for the offences punishable under Sections 109(1), 118(2) and 352 of the *Bhartiya Nyaya Sanhita*.
2. Learned Counsel for the applicant submits that the incident occurred at the spur of the moment and there was no premeditation. The applicant has been in custody since his arrest on 23.10.2025 for more than six months and there is no progress in the

trial. The investigation is complete and the charge-sheet has been 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 injured has sustained injury with the lethal weapon like knife and the fact that the applicant has criminal antecedent at his discredit. 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 *prima facie* indicates that the alleged altercation has taken place at the spur of moment and there appears no premeditation on the part of the applicants. The applicant is in in custody for more than six months. Therefore, further detention of the applicants may amount to pre-trial detention which is neither warranted nor justified.

5. 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.

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 - Akshay Ananda Otari 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. 669 of 2025 dated 22.10.2025 registered with Karveer Police Station, District Kolhapur, for the offences punishable under Sections 109(1), 118(2) and 352 of the *Bhartiya Nyaya Sanhita*, on the following conditions :-

¹ (2020) 11 SCC 648

(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.]