

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

CRIMINAL BAIL APPLICATION NO. 375 OF 2026

Bhagwan Bapu Kadam

VERSUS

The State of Maharashtra And Anr.

...

Mr. Piyush Toshnival (Through V.C.) a/w Mr. Vaibhav Arage,
Mr. Aarya V. Ambulkar i/by Mr. Ashish Pawar, Advocate for
Applicant.

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

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th MAY, 2026

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 595 of 2024 dated 26.09.2024 registered with Karveer Police Station, District Kolhapur for the offences punishable under Sections 103(1), 333, 352, 189(2), 190, 191(2), 191(3) of the *Bhartiya Nyaya Sanhita, 2023*.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. There is inordinate delay in lodging the FIR. Despite being the eye witness, the wife of the deceased has failed to lodge the FIR. The applicant has no criminal

antecedents. The applicant is in custody since his arrest on 26.09.2024, i.e. for more than one year & seven months. Investigation is completed 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 applicant along with co-accused entered the house of the deceased and has thereby committed murder in front of the wife of the deceased. As such, the the complicity of applicant is apparent. 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 almost all the co-accused are released on bail by the trial Court. Except the statements of certain witnesses, all the other witness statements are hearsay in nature. Moreover, there are material contradictions in the said statements, which can adequately be dealt during trial. The

necessary recovery is carried out by the Investigating Agency.

5. Given the release of the co-accused, coupled with the incarceration of the applicant for almost more than one and half year, further detention of the applicant may amount to pre-trial detention which is neither warranted nor justified.

6. 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.

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.

II. Applicant - Bhagwan Bapu Kadam 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. 595 of 2024 dated 26.09.2024 registered with Karveer Police Station, District Kolhapur for the offences

punishable under Sections 103(1), 333, 352, 189(2), 190, 191(2), 191(3) 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 not enter the jurisdiction of the Karveer Police Station, District Kolhapur till conclusion of trial except attending the dates before the concerned Court.

(c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address, where they are likely to reside as well as their own phone numbers and that of their two near relatives.

(e) 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.]