

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

ANTICIPATORY BAIL APPLICATION NO.267 OF 2026

Harsh @ Yash Ashok Mohite ...Applicant

V/s.

The State of Maharashtra & Anr ...Respondents

Mr. Abhishek Ingale (Through VC) a/w. Mr. Parth Pitambare, Advocate for the Applicant.

Mr. Nitin B. Patil, APP for the State-Respondents.

Mr. Pravin Ramchandra Sutar, Head Constable Palus Polcie Station present.

Coram : MEHROZ K. PATHAN, J.

Date : June 10, 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 anticipatory bail in connection with the C.R. No.62 of 2026 registered at Palus Police Station, District: Sangli, for the offences punishable under Sections 191(2), 191(3), 190, 189(2), 119(1), 118(1), 118(2), 115 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 37(3) & 135 of Bombay Police Act, 1951.

3. The case of the prosecution is that, the informant Harshwardhan

Mhalappa Maske lodged report to Palus Police Station stating that on 05/04/2026 at about 7:30 p.m., he along with his friend Amol Dhondiram Maske and Rambhau Sunil Maske had gone to Ramanandnagar for purchasing grocery items in Pathan Bazar. When he along with his friend came to Old Mumbai Ice Cream Shop for taking juice, he had seen rush of the people. At that place, accused Akshay Kadam was assaulting Wasim Pathan and blood was oozing from head of the Wasim Pathan. When the informant went to intervene, accused Akshay Kadam assaulted him on his back with a pointed weapon. Accused Jaydeep Kadam caught hold of his collar and pushed away at that time 20gms. gold chain around his neck went missing in the incident. He received treatment at Dr. Khambalkar Hospital. Then, he went to the Palus Police Station and lodged report. During investigation, statement of injured Wasim Pathan was recorded who has stated that accused Akshay Kadam, Raju Kadam, Vikram @ Viki Kadam, Vaibhav @ Dadya etc. and Jaydeep Kadam, Harsha Mohite and two other had beaten him. According to him, accused Akshay Kadam beaten him on his head and forehead. Accused Raju Kadam beaten him with a stick on wrists of both hands. Other accused also assaulted him with sticks on his chest, hands, neck and back. They were also abusing him. He received treatment at hospital of Dr. Khambalkar. Then, he was referred to Samarth

Hospital, Miraj for further treatment.

4. Learned counsel for the Applicant Mr. Abhishek Ingale submits that the Applicant is falsely implicated in the preset crime. Even if the allegations made in the F.I.R. are taken to be true, no specific overt act is attributed against the present Applicant. The allegation of assault by means of the dangerous weapons is attributed to the main accused Akshay Kadam. The main accused Akshay Kadam along with other co-accused have already been arrested and released on regular bail.

5. The entire recovery is already made by the Investigating Officer. The custodial interrogation is therefore not necessary. The Applicant is attributed the role of pulling the complainant and snatching of the gold chain. The allegations are exaggerated only to invoke stringent provisions so as to deny the relief of bail to the present Applicant. There is a counter complaint filed by Raju Kadam against the present complainant on the same date i.e. 6th April, 2026 for the incident dated 5th April, 2026 being F.I.R. No.63 of 2026. The present F.I.R. is an outcome of the said incident dated 5th April, 2026, only with an intention to implicate the entire Kadam family in the present crime. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court., hence the Applicant may be protected.

6. The learned APP strongly opposes the anticipatory bail application

on the ground that the offence is serious in nature. The Applicant is alleged to have voluntarily caused grievous hurt by means of dangerous weapons by forming an unlawful assembly. The offence is punishable with life imprisonment and there are eye witnesses to the said incident. The statement of Wasim Pathan who was injured in the incident is also recorded. The name of the present Applicant is stated by the injured Wasim to be one of the members of unlawful assembly gathered with a common object to voluntarily cause grievous hurt by means of dangerous weapons. The investigation is still going on. The other co-accused have been released on regular bail only after they were arrested. The custodial interrogation of the Applicant is necessary hence, the application may be rejected.

7. I have gone through the investigation papers made available by the learned APP. The investigation papers contains injury certificate of Wasim Pathan as well as the present complainant Harshavardhan. Though, the allegation of assault are attributed to accused Akshay Kadam by the complainant. The only allegations against the Applicant is of pulling the complainant while the assault was carried out by the other accused.

8. The perusal of the statement of the Wasim shows that general allegations against the accused-Jaydeep Kadam and present applicant Harsh Mohite. The accused Jaydeep kadam has already been released on

bail vide order dated 8th June 2026 passed by this Court in Anticipatory Bail Application No.268 of 2026. The allegations of assault is attributed against the accused Akshay Kadam and Raju Kadam. The applicant is not having any criminal antecedents. The apprehension of the learned APP can be taken care of by imposing stringent conditions upon he applicant. Hence, the following order :

ORDER

I) In the event of arrest of the Applicant – Mr. Harsh Ashok Mohite, he be released on bail on furnishing PR. Bond of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties in the like amount, in connection with the C.R. No.62 of 2026 registered as Palus Police Station, for the offences punishable under Sections 191(2), 191(3), 190, 189(2), 119(1), 118(1), 118(2), 115 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 37(3) & 135 of Bombay Police Act, 1951, on the following conditions:-

A) The Applicant shall attend the concerned police station and report to the Investigation Officer on every Friday and Saturday between 12:00 noon and 2:00 p.m., till the charge-sheet is filed.

B) The Applicant shall not enter the jurisdiction of Palus police station, except for attending the dates as aforesaid, till the filing of charge-sheet.

C) The Applicant shall not pressurize the prosecution witnesses and shall

not tamper with the prosecution evidence, in any manner.

D) The Applicant shall submit his Aadhar and PAN cards copy to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

E) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail of the Applicant.

II) The application is allowed in the above terms and stands disposed of.

[MEHROZ K. PATHAN, J.]