



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [APPP] NO.1329 OF 2026
IN CRIMINAL APPLICATION [BA] NO.66 OF 2026.

Balkishna Kasiram Kawale

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. Rangari, Advocate (Appointed) for the Applicant.
Shri A.Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 20, 2026.

Heard.

2. By this application, the applicant is seeking relaxation of part of condition no.(ii) incorporated in the order dated 04.02.2026 passed in Criminal Application (BA) No.66/2026, wherein this Court while granting bail to the applicant has imposed a condition of furnishing P.R.Bond of Rs.50,000/- with one surety in the like amount.

3. The learned Counsel for the applicant submits that the applicant is not in a position to furnish surety, and therefore, though he is ordered to be released on bail

by this Court, due to non-furnishing of surety he is still languishing in jail. The applicant had written a letter to the District Legal Services Authority, Gondia stating that due to his poor financial condition, he is not in a position to furnish surety. Upon receipt of this communication, the District Legal Services Authority had asked to conduct home enquiry, and accordingly the officer of the District Women and Child Welfare Department has conducted an enquiry, from the enquiry report it is clear that no one is ready to stand his surety, and even his family members are not intending to stand surety for him, and they also have an apprehension that if the applicant is released, there is every possibility of an untoward incident.

4. The learned Counsel therefore, submits that considering the report and poor financial condition of the applicant, he be released on bail on furnishing P.R. bond of Rs.50,000/- only.

5. On the other hand the learned A.P.P. submits that the report indicates that family members of applicant are not willing to take the applicant back. They are having every apprehension that again the applicant will commit same crime, and if the surety is not furnished, in that circumstances, there is every likelihood of

abscondence of the applicant. He therefore, prayed for rejection of the application.

5. I have heard the rival contentions canvassed by the learned Counsel for the parties and gone through the enquiry report. Admittedly it appears that the financial condition of the applicant is poor, no one is ready to stand as his surety, however, for this sole reason the applicant cannot be kept behind bars, since he was granted bail vide order dated 04.02.2026 on merits. Thus considering the above facts and circumstances, I am inclined to modify condition no.[ii] by ordering release of the applicant on furnishing P.R. Bond of Rs.50,000/- only. Hence the following order.

ORDER

- (a) Criminal Application (APPP) No.1329/2026 is allowed. The condition No.(ii) incorporated in the order dated 04.02.2026, is modified to the extent that *“The applicant/accused Balkrishna Kasiram Kawale be released on regular bail in connection with Crime No.148/2025 registered with Duggipar Police Station, Gondia for the offence punishable under Sections 109 and 352 of the*

*Bharatiya Nyaya Sanhita, 2023 (BNS) on his
furnishing P.R. Bond of Rs.50,000/-”.*

- (b) Rest of the conditions incorporated in the order dated 04.02.2026 would remain intact.
- (c) Fees of the appointed Counsel be determined and paid as per Rules.

JUDGE