HARISH VITHAL CHAUDHARI
Digitally signed by HARISH VITHAL CHAUDHARI
Date: 2026.10.19 19:32:06 +0530

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

CR. APPEAL NO. 145 OF 2026

Jay Suraj Patil ……Appellant

V/s.

The State Of Maharashtra And Others ……Respondents

...

Mr. Kunal V. Patil a/w Rajnandini Katkar for the Appellant.
Smt. S. N. Deshmukh, APP for the Respondent-State.
Ms. Manasa M. Koshti for Respondent No. 2 (Through Legal Aid).
Mr. Santosh Shivaji Yadav, Sangli City Police Station.

...

Coram : NEERAJ P. DHOTE, J.
Date : 19th October, 2026

P. C. :

1. This is an appeal under Section 14-A of the Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of the application for regular bail by order dated 8th May 2026 passed below Exhibit-7 in Special Case No. 191 of 2025 by the learned Additional Sessions Judge, Sangli (Trial Court).

2. By consent of both sides, the appeal is taken up for hearing.

3. The case of the prosecution, as revealed from the order of the learned Additional Sessions Judge, Sangli, rejecting the application for bail, is as follow. The relevant paragraph No. 2 is reproduced below :

"2. The prosecution story in short is that, informant Vijay Kamble was residing with his family at Amba Chowk, Sangli, his wife's brother Mahesh is also residing adjacent to his house. Mahesh was having love affair with Jarina Shaikh. Jarina was having two sons namely Mujahid and Hufej. In the year 2021 husband of Jarina was murdered. In the said crime Mahesh and one Sagar Narute were accused. After one year Mahesh was released on bail and again he started to talk with Jarina. Son of Jarina threatened to Mahesh as to why he was talking with her mother. At that time also informant told to Mahesh to live aloof from Jarina. On 04.06.2025 at about 10 p.m. Mahesh Kamble was doing his work at Bazar which was situated on 100 footy road, Sangli. Subsequently at about 5 a.m. Mahesh was also reached there. Then at about 6 a.m. Mahesh took motorcycle of Sohel and went towards Bus-stand for breakfast. Then informant suddenly heard noise of shouting therefore informant and other persons went towards Patrakarnagar, there he saw Majhid and one unknown persons were beating to Mahesh with sharp weapons. The said two persons ran away from the spot. Thereafter informant was shifted Mahesh in Civil Hospital, Sangli. Thereafter from Civil Hospital, Sangli they shifted Mahesh in Samarth Hospital, Miraj, but again Mahesh was shifted to Civil Hospital, Sangli where Doctor declared Mahesh as dead. Therefore informant lodged report against present accused and co-accused in Sangli city police station."

4. It is submitted by the learned counsel for the Appellant that, the Appellant is not named in the FIR. The Appellant was put to the test identification parade (T.I.P.), where the informant and the witnesses did not identify him. The investigation is over and the charge-sheet is filed. There is no material on record to connect the Appellant with the crime. He submits that, the Appellant is ready to abide by any terms and conditions hence the appeal be allowed.

5. The appeal is opposed by the learned APP and by the learned

counsel for Respondent No.2– informant. They submit that, the description of the unknown assaulter is given in the FIR. Though the Appellant has not been identified in the TIP, the bloodstained clothes of the Appellant were seized at the instance of accused No. 1. The Appellant and accused No. 1 were residing together. Both of them were apprehended by the police at the same time when they were together. The motorcycle used in the crime is seized at the instance of the Appellant. The CA report is not yet received. They submit that, considering all these aspects of the matter, the appeal be dismissed.

6. Perusal of the papers goes to show that, the Appellant is not named in the FIR. Undisputedly, the Appellant was not identified by the witnesses in the T.I.P. Only because the motorcycle used in the crime came to be seized at the instance of the Appellant and the Appellant was apprehended when he was in the company of accused No. 1 cannot be the factors to reject the application, considering the above important aspect that the Appellant was not identified in the T.I.P. Considering all these aspects of the matter, the Appellant is entitled to bail by imposing appropriate conditions. Hence, the following order:

ORDER

I. The appeal is allowed.

II. The order dated 8th May 2026 passed by the learned

Additional Sessions Judge, Sangli below Exhibit-7 in Special Case No. 191 of 2025 is quashed and set aside.

III. The Appellant be released on bail on executing a P.R. bond in the sum of Rs. 15,000/- with one surety in the like amount.

IV. The Appellant shall not tamper with the prosecution evidence in any manner.

V. The Appellant shall cooperate with the learned trial court

VI. The appeal stands disposed of accordingly.

VII. The fees of the learned counsel appointed for Respondent No. 2-victim are quantified at Rs.10,000/-, to be paid by the High Court Legal Services Authority.

[NEERAJ P. DHOTE, J.]