Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3681 OF 2026

Harshal Jaydev Telgote .. Applicant

Versus

The State of Maharashtra and Anr. .. Respondents

.....

- Mr. Vivek Arote a/w. Mr. Umesh Manjare and Mr. Harish Garde, Advocates for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent – State.
- Ms. Namasvi Bhanushali, Appointed Advocate through Legal Aid for Respondent No.2.
- PSI – Ms. Shaila Pathare, Baner Police Station present.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Arote, learned Advocate for Applicant; Ms. Newton, learned APP for Respondent – State and Ms. Bhanushali, learned appointed Advocate through Legal Aid for Respondent No.2.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.149 of 2026 registered with Baner Police Station for offences punishable under Sections 333, 137(2) and 74 of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short '**POCSO Act**').

3. In the present case, charge against the Applicant is of attempt to murder as also under the provisions of Section 12 of the POCSO Act. Applicant is alleged to have trespassed into the dwelling house of the Informant with an attempt to kidnap the 2 year minor infant. Admittedly, Applicant was in a highly intoxicated state of mind at that time which is confirmed by the witness statement account. The fact that Applicant was also not in a condition to walk properly when he was apprehended is also an important aspect which needs consideration.

4. Insofar as Applicant's status is concerned, he was working as a hotel employee in hotel Comfort situated in the vicinity of the First Informant's house and Applicant was also residing in the hotel premises itself for the past several months. The Affidavit of the employer of Applicant dated 16.10.2026 placed before me *prima facie* shows that the Applicant does not have any antecedents to his discredit otherwise. The statement recorded by the prosecution of the hotel employer is also placed on record which enures to the benefit of the Applicant.

5. Applicant has no previous criminal antecedents. In that view of the matter, notwithstanding the fact that Applicant is arrested on 17.05.2026 an the period of his incarceration, I am inclined to consider the case of Applicant to bail in view of the aforesaid observations and

findings. Needless to state that Applicant's complicity in the crime will be proved at trial.

6. Though Ms. Bhanushali has persuaded me vehemently to consider the societal impact and the fact that Applicant is likely to re-offend himself and I have considered the same, but in view of Applicant's in intoxicated state of mind at the time of incident and he having entered the house at about 11:45 p.m., I am inclined to consider giving the benefit of doubt to Applicant.

7. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Harshal Jaydev Telgote is directed to be immediately released from prison in connection with CR. No.149 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00

p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not enter the territorial jurisdiction of Baner Police Station till the conclusion of trial except attending the Court hearing

(vii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(viii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

9. This Court appreciates the assistance rendered by Ms. Bhanushali, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No.2. Her fees are to be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar Vs. The State of Maharashtra & Anr.***[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE
Digitally signed by AJAY TRAMBAK UGALMUGALE
Date: 2026.10.19 15:12:49 +0530

1 Misc. Civil Application No.134 of 2024 – Decided on 25.09.2024.