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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3945 OF 2026

Saurav Kailash Sharma .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Shubhankar Kulkarni (appearing through Video Conferencing) a/w. Mr. Prathmesh Deshpande, Advocate for Applicant.
- Ms. Shilpa G. Talhar, APP for Respondent.
- API – V. S. Ajagekar, Nigadi Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Kulkarni, learned Advocate for Applicant appearing through Video Conferencing and Ms. Talhar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.474 of 2026 registered with Nigadi Police Station for offences punishable under Sections 112(1), 61(2), 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(d) of the Information Technology Act, 2000.

3. The applicant is a young offender and the Bank Account has been used by the accused persons or other persons as a mule account.

The Complainants in the present case are from Andhra Pradesh and Uttar Pradesh, alleging that in view of the disputed transactions of Rs. 28,000/- and Rs.46,000/- totaling to Rs.74,000/- the said amount was credited into the account of the Applicant. The Applicant has an account with Bank of Maharashtra and it appears that the Applicant had given its details to his unknown friends for the transaction with other co-accused persons for using it to receive and withdraw the aforesaid amount of Rs. 74,000/- from the said account. It is informed to Court that the said amount of Rs.74,000/- is still lying in the said account and the account has been frozen.

4. In view of the aforesaid *prima facie* facts which have been seen from the material placed on record, the Applicant being a young offender, is allowed to bail.

5. Considering Applicant's age, if he is enlarged on bail Court is hopeful that his family will undoubtedly do their duty to make every effort and attempt to reform and aid the Applicant in leading a reformed life while on bail rather than keep him in prison and expose him to criminal outlook and life in prison. However on the flip side, if a chance is given to the Applicant because of his young age by enlarging him on bail, there is a possibility that he will be remorseful and repent in retrospect. This is a chance required to be taken by the Court because punishment has to be believed to be inflicted for a reformative result rather than being punitive in nature.

6. Undoubtedly the trial will determine the complicity of Applicant in the offence. While considering Bail Application in such facts, Court feels that reform and rehabilitation of the under trial accused needs to be considered especially when age of the accused person is young so that he gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of accused person. The age of the Applicant is very young. If the Applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or would waste his life. Incarceration in prison exposes many youth to abuse as is shown statistically.

7. There are several harms of incarceration which are inflicted disproportionately on the youth. This is the reason why Court feels that any / every semblance of a chance towards a reformative approach in punishment should be adopted, especially in the case of young offenders. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to

incarceration so that the Applicant can become a good citizen.

8. 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 – Saurav Kailash Sharma is directed to be immediately released from prison in connection with CR. No.474 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 Nigadi 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 influence any of the witnesses or tamper with the evidence in any manner;

(vii) 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.

9. 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.

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

[MILIND N. JADHAV, J.]

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