

MHKO010009522026.



**In the Sessions Court, Kolhapur, at Kolhapur**

(Presided over by R. V. Utpat, Additional Sessions Judge, Kolhapur)

**Anticipatory Bail Appln. No.214/2026**

**Sagar Khandu Kamble ..... Applicant-Accused.**

**Versus**

**The State of Maharashtra ..... Opponent.  
Through Shahupuri P. S.**

=====  
**Appearance:-**

Adv. Mr. H. A. Ratnakar, for the Applicant.

Ld. APP Shri. S. S. Tambekar, for the State

=====  
**Order below Exh. 1**

1. The applicant is seeking bail in anticipation of his arrest in C. R. No.146/2016 of the Shahupuri police station registered for the offence punishable under sections 74, 79, 352, 115(2) of the Bhartiya Nyaya Sanhita, 2023.

2. The FIR is lodged by the victim stating that, she is serving as receptionist at 'Pearl Hotel', Kolhapur and on 27/02/2026 at about 8.55 p.m, she was present on duty. At that time a person came in the hotel bar for drinking liquor. Prior to that, he had kept his mobile phone for charging at the reception counter. After some time, his friend came to the counter and took that mobile phone.

After some time, both those persons again came to the counter and gave the mobile phone for charging to the informant. The informant kept the phone for charging and went outside to the security guard. Thereafter, the person who had given the mobile phone for charging came to her stating that, she had not properly connected the phone for charging and the phone was not properly charged. By saying so, he started abusing her. The informant told him that the charger was not supporting the mobile phone. Thereafter, the informant told the waiter at the bar, not to give any mobile phone for charging at the counter as the charger was not in proper condition. At that time, the said person abused her by saying ' तुझ्या आईची पुच्ची'. When the victim asked him not to abuse, he slapped her and gave a fist blows on her chest, head and nose. Then he pulled her hair, pushed her down and pressed her breast. Thereafter, the hotel staff rescued her. When the hotel manger came there, the said person assaulted him. Then the said person fled away abusing the hotel staff. Thereafter, with the help of C.C.T.V Footage the informant got to know the name of the said person as 'Sagar Khandu Kamble'(applicant). Accordingly, the crime was registered.

3. The applicant has contended that, he is falsely implicated and the incident is of just minor verbal altercation and there was no premeditation. Furthermore, the offence does not provide for death penalty or life imprisonment and custodial interrogation of the applicant is not necessary. According to him, the investigation is mainly based on CCTV Footage and no recovery or discovery is to be done. The applicant is permanent resident of Kolhapur and there is no possibility of his abscondence. He is ready to abide by any conditions.

4. The State has resisted the application on the grounds that, the investigation is incomplete and there is possibility that the applicant may pressurize the witnesses, commit similar offence or hamper the investigation. Besides, the applicant is a habitual offender.

5. I have heard the Ld. Advocate for the applicant and the Ld. APP for the State.

6. The Ld. Advocate for the applicant vehemently submitted that, besides the offence punishable under section 74 of the B.N.S, all other offences are bailable and no incident as alleged has taken place. He further submitted that, there is mention of C.C.T.V. Footage in the FIR and the informant herself was aggressor. For that purpose, he prayed for calling for and viewing the C.C.T.V. Footage. The Ld. Advocate has also moved a separate application for calling for the CCTV Footage. The Ld. Advocate also submitted that, the physical custody of the applicant is not necessary, all the witnesses are hotel staff members and this is a fit case for grant of anticipatory bail. In support of his submission of calling C.C.T.V Footage, he has relied upon the rulings in **Sarla Gupta and another Vs. Directorate of Enforcement, (2025) 7 SCC 626 and Tomaso Bruno and another Vs. State of Uttar Pradesh [2015 (7) SCC 17]**.

7. Per contra, the Ld. APP submitted that, the statement of the informant and eye witnesses have been recorded and there is no necessity calling for the CCTV Footage at this stage. He also submitted that, the defence of the applicant is not to be considered at this stage. According to him, the applicant is a habitual offender,

the investigation is going on and this is not the fit case to grant anticipatory bail. He relied upon the ruling in **State of Orissa Vs. Debendra Nath Padhi AIR 2005 S.C.359**,

8. I have given thoughtful consideration to the rival submissions.

9. The alleged offence involves breach of modesty of a woman and causing hurt to her while she was discharging her duty as a receptionist at the hotel bar. There are allegations that the applicant not only gave fist blows to the informant, but also committed breach of modesty by touching her breast on a petty reason that his mobile phone was not charged. As far as the submission to call for CCTV footage is concerned, in **State of Orissa Vs. Debendra Nath Padhi AIR 2005 S.C.359**, the Hon'ble Apex Court while dealing with the scope of section 91 of the Cr. P. C has held that, 'the necessity or desirability would have to be seen with reference to the stage when a prayer is made for the production. If any document is necessary or desirable for the defence of the accused, the question of invoking section 91 at the initial stage of framing of charge would not arise since defence of the accused is not relevant at that stage. When the section refers to investigation, inquiry, trial or other proceedings, it is to be borne in mind that under the section a police officer may move the Court for summoning and production of a document as may be necessary at any of the stages mentioned in the section. In so far as the accused is concerned, his entitlement to seek order under section 91 would ordinarily not come till the stage of defence.'

10. As far the ruling in **Sarla Gupta (supra)**, the Hon'ble Apex Court has held that, 'the accused has the right to invoke Section 91 of Cr. P.C (Section 94 of the BNSS) for seeking production of documents not relied upon by the ED to help discharge the burden of proving reasonable grounds for belief of not being guilty.'

11. In **Tomaso Bruno and another (supra)**, it is held that, 'CCTV footage would have been the best evidence to prove whether the accused remained inside the room and whether or not they have gone out. CCTV footage is a strong piece of evidence which would have indicated whether the accused remained inside the hotel and whether they were responsible for the commission of a crime.'

12. Turning to the present case, the applicant is pressing for calling for the CCTV Footage only to further his case that, the informant was aggressor. At this stage, I am not considering that point. The investigation is in its primary stage and there are allegations that, the applicant not only caused hurt to the applicant, but also committed breach of her modesty. There are statements of the witnesses corroborating the same. Considering the gravity of the offence and nature of the allegations, I do not deem it fit to grant anticipatory bail and the application is required to be rejected. Hence, I pass the following order:-

**Order**

1)	Application is rejected.
----	--------------------------

2)	Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.
----	---

Date : 13/03/2026.

( R. V. Utpat. )  
Additional Sessions Judge,  
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mr. R. V. Utpat Additional Sessions Judge, Kolhapur.
Date of Dictation	13/03/2026
Order signed by the P.O. on	18/03/2026
Order uploaded on	18/03/2026