

MHKO010022222026



Presented on : 11/06/2026
 Registered on : 11/06/2026
 Decided on : 03/07/2026
 Duration : 00Y- 00M- 22D

IN THE COURT OF ADDITIONAL SESSION JUDGE,

AT KOLHAPUR

(Presided over by Smt. R.V. Adone)

CRIMINAL APPEAL No.72/2026

CNR-MHKO010022222026

Exhibit -9/A

[REDACTED] ...

Appellant.
(CCL)

Versus

1] State of Maharashtra, ...
 Through Karveer Police Station,
 Kolhapur.

Respondent.
(Original first informant)

Appeal Under Section 101 of the Juvenile Justice (Protection and Care) Act

Appearances :-

.....
 Advocate Shri.PA.Desai for appellant.
 APP Smt. A.A.Patole for State/respondent

: J U D G M E N T :

(Delivered on day of 03rd day of July, 2026)

1. Appeal is filed under section 101 of Juvenile Justice (Protection and Care) Act (Hereinafter referred as 'JJ Act') by appellant i.e. Child in conflict with

law (Hereinafter referred as 'CCL') through legal guardian i.e. father for challenging order dt. 03/06/2026 in C.R. No. 255/2026 of Karveer Police Station passed by Ld. Principal Magistrate, Juvenile Justice Board (Hereinafter referred as 'PMJJB'), Kolhapur, by which application for bail of CCL was rejected.

Brief facts are as follows:-

2. First Informant resides with his family members at Kalamba. On 14/5/2026 she went to her work and her daughter made phone call and informed that her brother Sidharth was demanding key of two wheeler and he went away with that vehicle. First informant returned to house at 8.00 p.m., accused No.1 came in front of her house, asked where was her son Sidharth and he was having his vehicle and mobile. First informant told him that he himself was knowing about her son as he was having his vehicle and mobile. Accused No.1 abused her and went away. At 8.36 pm. She received phone call from one number and opposite person told that her son was injured, her son Sidharth told that accused No.2, 4, CCL and their friends heavily beat him and he was going to CPR Hospital. First informant went at CPR Hospital with family members and Sidharth told to doctor that he fell down from vehicle. Upon enquiry by first informant he told that said accused and boys will beat him again.

3. It is further case of prosecution that first informant received phone call and her mother told that accused No.1, 2, 2 to 3 boys came in front of their house, asked where Sidharth was, abused, threatened and caused damage to Access Motorcycle by means of stone and stick. Upon enquiry with Sidharth he told that at 6.30 p.m. he received call of Arati who told her to come near Kalamba lake, he went there with Access Moped, they were talking by parking vehicle, accused No.2, 4 and CCL came, abused and beat him, forcibly took him from motorcycle, CCL took his vehicle by asking him to get down from it, beat him and assaulted him by means of iron bracelet (कड) at forehead and nose. He

sustained bleeding injury. Accused No.2, 4 to 6 gave kick and fists blows to him, accused No.2 took away I Phone mobile from his pocket, CCL snatched his gold chain and then he rescued himself and ran away. On 15/5/2026 at 11.00 a.m. he received video on his mobile which shows that their Access Moped was set at fire near graveyard.

4. CCL i.e. present appellant was produced before Ld. PMJJB on 17/05/2026 and kept in Observation Home. His bail application was rejected on 03/06/2026. Being aggrieved by order of Ld. PMJJB, present appeal is filed on the grounds that order is not legal and proper and against settled principles of law. FIR is based on scanty information, no prima facie case is made out, no recovery or discovery is left from CCL. All other accused in same C.R. are released on bail by JMFC, Kolhapur and ground of parity is available to CCL. He is not previously convicted. It is settled principle of law that bail is rule and jail is an exception. Trial will take time and considering allegations further detention of CCL is not necessary. All these aspects were not considered by Ld. PMJJB and appellant prayed to set aside order of Ld. PMJJB and to release him on bail on terms and conditions.

5. APP for State, I.O. (SJPU) objected grounds in appeal by filing say and stated that offences levelled against CCL are serious. There is possibility of repeating offence and giving threat and pressure to first informant and witnesses. There are criminal antecedents of CCL and in Karveer Police Station C.R.No.723/2023 for offences p/u/s. 454, 380 of IPC C.R.No.666/2025 for offences p/u/s. 117(2), 115(2), 3(5) of BNS are levelled and pending against him. Order of Ld. PMJJB is legal and proper. Considering nature of offence and allegations, they prayed to dismiss appeal.

6. Heard Advocate Shri. P.A. Desai for appellant. A.P.P. Smt. A.A.Patole for State i.e. respondent. Heard Advocate Shri. T.S.Nimbalkar of first informant.

Perused record and proceeding. Following points arise for determination and findings with reasons thereon are as follows :-

Sr.No.	Points	Findings
1]	Whether the impugned bail order passed by Ld. PMJJB requires interference ?	In the affirmative.
2]	What order?	As per final order

: **REASONS** :

AS TO POINTS NO. 1 and 2 :

7. Ld. PMJJB by considering say of APP, SIR filed by DPO mainly emphasized that CCL is prosecuted in about 3 crimes and modus operandi is similar. In this C.R. his father and elder brother are prosecuted and there is possibility to repeat crime in future. Ld. PMJJB considered report of Social Investigation and held that CCL left school and is working with his father. Advocate of appellant submitted that FIR is based on scanty information, investigation is practically over and nothing is to be recovered from CCL. His further detention is not required. Other accused in this matter are released on bail.

8. It is necessary to note that report of Deputy Superintendent of Observation Home Kagal, report of District Probation Officer are filed. Report of Dy. Superintendent of Observation Home shows that counselling was done to CCL and he has improved his behaviour, there are positive changes. His father is doing Centering work, his brother is Ward-boy and his mother is housewife. As per report of Probation Officer CCL left school in 5th Std and doing Centering work with his father. His neighbours, Police Patil and Sarpanch of village gave positive opinion about CCL and of his family members. There are criminal

antecedents. But young age, ignorance of law and family condition might be the reason behind act. Upon enquiry with CCL he stated about false implication.

9. So far as criminal antecedents of CCL, Advocate of CCL i.e. appellant relied on authorities cited in (i) **Prabhakar Tewari Vs. State of Uttar Pradesh, reported in AIR ONLINE 2020 SC 96** in which applicant was charged with offences p/u.s. 302 of IPC and there were Criminal antecedents as five other criminal cases were filed against him. It is observed by Hon'ble Apex Court that though offence alleged is grave and serious and several criminal cases are pending against accused, however these factors by themselves cannot be basis for refusal for bail. The State has not placed any material that applicant attempted to evade the process of law and he was released on bail with conditions.

(ii) **Satish @ Kaku Vs. State of Uttar Pradesh, reported in 2024 DGLS (Alid.) 869** in which applicant was charged with offences p/u.s. 414, 420 of IPC, 3,4, 25 of Arms Act and there were Criminal antecedents. By relying on guidelines in case of Prabhakar Tewari Vs. State of Uttar Pradesh, it is observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

10. Ratios laid down in above cited ruling is noted and considered. Due to above guidelines criminal antecedents is no ground to deny bail. Section 12 (1) of JJ Act is about bail to a person who is child-in-conflict with law alleged to have committed bailable or non-bailable offence. There is proviso that such person shall not be released if there appears reasonable grounds. It is also necessary to note that gravity of offence is not ground to deny bail. Advocate of appellant filed copies of FIR, bail order of CCL to show that application is rejected, application of other accused No.1, 2, 4 and 6 for grant of bail and order

passed by Ld. JMFC which shows that accused No.1,2, 4 and 6 are released on bail with conditions. He argued ground of parity.

11. In police papers there are statements of first informant, other witnesses. Spot panchanama is prepared and from spot of incident pieces of vehicle, number plate, matchbox are seized, report of Forensic Labarotry in that regard received. Accused Prem Kamble gave memorandum statement and on its basis I Phone mobile is seized. As per seizure panchanama Hero Honda Spelendor motorcycle, iron bracelet are seized. Injury certificate of injured Sidharth is obtained and his statement is recorded. There is discharge summary of said Sidharth which shows he is discharged from hospital. Therefore it appears that investigation is practically over. Moreover first informant gave affidavit stating that she has no objection to release appellant on bail. In such circumstances only ground of criminal antecedents of appellant is not sufficient to deny bail to him. As discussed above father of CCL, his brother and other two accused are released on bail and there is ground of parity.

12. Considering above facts if certain strict conditions about the apprehension raised are imposed, it will suffice the purpose. If undertaking is taken from father and mother of CCL that he would take care that CCL will not repeat offence, will not indulge in illegal activities by coming into association with Criminal or Anti-social elements, that there will not be tampering prosecution case, it will take care of the apprehension shown by the prosecution. Considering age of CCL it is necessary to give him an opportunity to improve his behaviour and to re-unite with his family. In view of all above reasons, if CCL is released on certain conditions, it will meet the ends of justice. All these aspects were not considered by Ld. PMJJB and inference is required in that order. So Point No.1 is answered in affirmative, Point No.2 is answered accordingly and following order is passed :-

ORDER

- 1) Appeal is allowed.
- 2) CCL [REDACTED] be released on bail in C.R. No. 255 of 2026, for offences p/u/s. 309(4), 115(2), 118(1), 352, 351(2), 189(1), 189(2), 191(1), 191(2), 190, 324(4) of BNS, registered at Karveer Police Station, on his furnishing P.B. and S.B. of Rs.50,000/- along with one surety in the like amount, on following conditions;
 - (i) Father and mother/Guardian of CCL is hereby directed to file undertaking before Ld. Principal Magistrate, Juvenile Justice Board, Kolhapur contending that he will take proper care of CCL in future and will prevent him from joining any criminal activities in future.
 - (ii) Father and mother/Guardian of CCL is hereby directed to file undertaking before Ld. PMJJB, Kolhapur contending that he would take care that CCL shall not threat and pressurize First Informant and witnesses, shall not repeat the offence. CCL shall not tamper the prosecution evidence, witnesses in any manner.
 - (iii) Father and mother /guardian of CCL shall furnish undertaking that CCL shall pursue his studies and will not be allowed to waste his time in unlawful activities.
 - (iv) CCL and his father and mother shall report to Probation Officer, Kolhapur once in every three months and Probation officer shall do the counselling.
 - (v) Probation Officer shall keep the strict vision on the activities of CCL and regularly draw up his social investigation report which would be submitted to JJB, Kolhapur.
- 3) Bail before the Ld. PMJJB, Kolhapur.
- 4) R and P be send to Ld. PMJJB, Kolhapur.

Dt. 03.07.2026.

(Smt. R.V. Adone)
Additional Sessions Judge, Kolhapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word to word, as per assigned Judgment.

Sd/-
[A.A.Patil]
Stenographer (Grade I)