

MHKO010047492023



ORDER BELOW EXH. NO.53 IN SESSIONS CASE NO. 276/2023

State of Maharashtra .. Prosecution
Through Karveer P S.

Vs.

Satish @ Sandip S. Pohalkar .. Accused No. 1

1. Present application is moved by applicant/accused No.1 in C.R.No.406/2023 registered with Karveer Police Station under Section 395, 397,120B,324, 323, 504 and 506 of Indian Penal Code and under section 3 and 25 of the Arms Act. He has filed this application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. It is stated by the applicant that his mother is critically ill and requires urgent cardiac surgery and sought medical tests. Ld. Advocate for the applicant relied upon medical certificate given by Dr. Ravi Kshirsagar of Sagar Hospital, Kolhapur. She also submitted that the applicant's house is seized under the SARFAESI Act and his family is in dire financial distress. Applicant's children are in primary

school and his wife has to look after all the daily household responsibilities. There is nobody to look after his ailing mother. In addition, she argued that there is no concrete evidence against present applicant and the main role is attributed to accused No.2 who allegedly conspired with accused Nos. 4 to 7. Present applicant is arrested merely on suspicion.

3. I.O. and Ld. APP filed say at Exh.58 and argued that present applicant conspired with other accused and was actively involved in the commission of crime. Ld. APP argued as per say and submitted that present applicant had gone to Pune to drop the co-accused. Two accused in this case are still absconding and amount of Rs. 1,50,000/- is yet to be recovered along with 2420 gram gold. He argued that if the applicant is released on bail, then he may tamper with the evidence or may flee away.

4. I have considered rival submissions and have perused the record. As per FIR, four unknown persons came to the jewellery shop and fired from their pistol. All of them took gold and cash from the said shop worth rupees more than Two Crores. The gold ornaments were recovered from the house of accused No.2 who is released on bail. Two accused in present case are still absconding. Present applicant is behind bars since 11/06/2023 i.e. since last two years. The

matter is committed to Sessions Court. Prima facie, the allegations are against accused Nos. 4 to 7 and as far as conspiracy is concerned, the prosecution has to prove the same during trial. Charge is not framed and the trial will take its own time.

5. The medical report on record shows that the applicant's mother, Saraswati Pohalkar, aged 65 years needs urgent medical tests including angiography and ultra sound as her heart strikes are abnormal. The applicant has sought temporary bail for four months to do the needful in respect of medical care of his mother. He has two minor children and his wife cannot alone look after the mother and household responsibilities. Considering all the circumstances, I am of the opinion that present applicant can be released on temporary interim bail for only two months. Hence, I pass following order.

Order

- 1) The application is partly allowed.

- 2) The applicant/accused No.1 in C.R.No.406/2023 registered with Karveer Police Station under Section 395, 397,120-B,324, 323, 504 and 506 of Indian Penal Code and under section 3 and 25 of the Arms Act be temporarily released on bail from 12/6/2025 to 12/08/2025 on his furnishing P. R. Bond and S. B.

of Rs.25,000/- (Rs. Twenty Five Thousand only).

- 3) The applicant/accused No.1 be released from Jail for above mentioned period on compliance as stated above.
- 4) The applicant/accused No.1 shall not indulge in any criminal activity.
- 5) The applicant/accused No.1 shall not tamper with the evidence in any way.
- 6) The applicant/accused No.1 to surrender on 12/08/2025 at 11.00 a.m. before Superintendent, Kalamba Jail, Kolhapur.
- 7) Inform the Superintendent of Kalamba Jail and Karveer Police Station accordingly.

Place : Kolhapur.
Date : 11/06/2025.

(Mrs. Aparna S. Waikar)
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	Mrs. Aparna S. Waikar, Additional Sessions Judge, Kolhapur.
Date of Dictation	11/06/2025.
Order signed by the P.O. on	12/06/2025.
Order uploaded on	12/06/2025.