



ORDER BELOW EXH No. 1
IN REGULAR BAIL APPLICATION
No. 61/2026

(Vighnesh Sukhanand Kerkar etc. 2 v. State)

1. This bail application is filed in Crime No. 5 of 2026 registered at Nivati Police Station for the offence punishable under sections 324(4) and 326(g) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (the “BNS”). The applicants are accused No. 1 and 2.
2. Perused relevant papers from the case file, the contents of the bail application, and the say of the State.
3. The FIR is dated 03.03.2026. It is alleged that on 03.03.2026 at about 04:00 am the accused set on fire the Shop No. 234 and House No. 231 belonging to the informant during which the Jupiter vehicle worth Rs.30,000/- was gutted by the fire. The accused were arrested on 23.03.2026.
4. Heard.
5. Ld advocate for the appellant submits that the FIR was filed on suspicion. Both accused have their aged mothers to be looked after. The accused are labourers without criminal antecedents. There is no eye witness.
6. Ld ADPP submits on the lines of the State Say Exh 5 and police say report Exh 6. The say of the informant is Exh 8. I

have perused the reasons for objection in Exh 5 and 6 as well as 8. It is mentioned in the State say and the police say report that the accused may pressurize the witnesses and they may commit even serious crime again, if released on bail. The informant has stated in Exh 8 that the accused may pose danger to him.

7. My observations are as follows.
8. The FIR itself contains that it was filed on suspicion. This fact itself is sufficient to release the accused on bail. A person cannot be detain merely on suspicion. Apart from that, there are other valid reasons like the accused do not have criminal antecedents, they have their dependent old aged mothers, there are no eye witnesses to the crime. The accused are labourers.
9. Under such circumstances, the investigations shall take some time to complete. The trial shall take some time to start and complete. Keeping in view various observations and directions of the Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI*** I have come to the conclusion that no purpose would be served by keeping the applicant behind the bar. Bail is a rule and jail is an exception. Presumption of innocence prevails. Detention in jail pending the trial against the accused may result in pre-conviction punishment.
10. It is made clear, if there is any convincing adverse reporting

against the applicant/s from the informant or the IO regarding violation of bail condition/s, this bail order shall be liable to be cancelled.

11. Resultantly, I pass the following Order.

O R D E R

1. The application is allowed.
2. The applicants Vighnesh Sukhanand Kerkar and Ankush alias Rupesh Ramesh Kerkar arrested in Crime No. 5 of 2026 registered at Nivati Police Station for the offence punishable under sections 324(4) and 326(g) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (the “BNS”), be released on executing a PR Bond in the sum of ₹15,000/- (Rupees Fifteen Thousand only) and furnishing surety bond in the equal amount of one local solvent surety.
3. The applicants shall attend the concerned Police Station on every Tuesday at 11:00 am, until the filing of the chargesheet, and shall co-operate with the Investigating Officer.
4. The applicants shall furnish their mobile number and their addresses. Applicants shall notify promptly if there is any change in the mobile numbers or their addresses.

5. The applicants shall not travel beyond the state of Maharashtra (except Goa) without prior permission of this court or of the court where their trial shall be pending.
6. The applicants shall not, directly or indirectly, make any inducement, threat or promise to the victim or any witnesses or any person acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any Police Officer or shall not tamper with evidence.
7. The applicants shall not commit similar offence in future with which they are booked.
8. The applicants shall surrender original passport, if any, to the concerned Police Station.
9. The applicants shall not leave India without prior permission of the Court.
10. Bail before the Court where the remand/case file is pending.

Place: Sindhudurg at Oros
Date: 01.04.2026

(Dr Sudhiir M Deshpande)
Sessions Judge
Sindhudurg at Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) ***Shital Krushna Dhake v. Krushna Dhake***, MANU/MH0285/2018.