

**IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.**

(Presided over by Shri.PPRajvaidya)

**CRIMINAL BAIL APPLICATION NO.115/2026.**

(CNR No.MHSO01-000382-2026)

Amol @ Vishal Shankar Pawar }...**APPLICANT.**  
**Versus**  
State of Maharashtra }...**OPPONENT.**

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**ORAL ORDER**

(Passed on 13/03/2026)

1. This is an application for grant of regular bail in Crime No.1075/2025 registered at P.S. Mohol for offences punishable under Sections 310(2), 127(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita.
2. Read the application and say. Heard learned advocate Shri.Rathod for applicant/accused and learned APP Smt.Deshpande for the prosecution. Perused the entire record.
3. Learned advocate for the applicant/accused argued that applicant/accused is falsely implicated in this crime, applicant/accused is under detention since 12/11/2025, investigation of the crime is already over and charge-sheet against the applicant/accused is already filed. He argued that though 22 crimes are registered previously against applicant/accused, he is enlarged on bail in these crimes hence, merely because crimes are registered against the applicant/accused in past, it is not sufficient to deny bail to him. He argued that though recovery of ear rings is shown to have made at the instance of the applicant/accused on the basis of the disclosure statement allegedly given by him, in fact, police has seized the ear rings owned by the wife of applicant/accused to falsely show that it is the muddemal of the present crime. In support of his argument, learned advocate for the applicant/accused has placed reliance on the following authorities.

(i) **Rajesh Babanandan Vs. State of Maharashtra** reported in **2006 ALL MR (Cri) 1952** wherein Hon'ble Bombay High Court has held the accused therein entitled for bail by observing that merely because there are some cases pending against the accused, that could not be a ground to continue his custody since charge-sheet is filed.

(ii) **Prabhakar Tewari Vs. State of U.P.** reported in **(2020) SCALE 448** wherein, the accused was involved in offence punishable under Section 302 read with Sections 120B/34, 147, 148 and 149 of IPC having several criminal cases pending against him. Bail to said accused was granted by Hon'ble High Court. Criminal Appeal was filed before Hon'ble Apex Court for cancellation of bail granted to the accused by Hon'ble High Court. While dismissing the said Criminal Appeal, Hon'ble Apex Court has held in para 7 as under;

*“7. On considering the submissions of the learned counsel for the parties, having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of Mahipal (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”*

3. Perusal of FIR shows that informant is aged 75 years and he is residing along with his wife at village Yevati. On 08/10/2025 at about 4.00 a.m., informant was sleeping in the courtyard of his house. He has awakened by listening the barking of dogs. Two unknown persons went near him and claimed water for drinking. Thereafter, one of those two persons caught hold the neck of the informant and when informant had raised shouts, his wife came out of the house. The other person claimed necklace and earrings at her by giving threat that they will kill the duo hence, wife of informant handed over her earrings and gold *Mangalsutra* to those unknown persons. Thereafter, by detaining the informant and his wife inside the house, those persons went away. Informant came out of the house after some time and saw that their four she-goats and one he goat were taken away. They noticed that villager Satin Khurd was passing by the road to whom, they narrated the incident. Son of the informant arrived there after some time along with Laxman Khurd, they called the Police Patil who called the police and police got written the report of the informant. Informant has stated in FIR that those two robbers have robbed gold *Mangalsutra* worth Rs.63,000/-, gold earrings worth Rs.22,500/-, goats worth Rs.37,000/- in total and old Samsang Mobile worth Rs.500/- from them. Informant gave description of those two persons in his report.

4. On the basis of the report of informant, crime No.1075/2025 came to be registered at PS. Mohol for offences PUS 309(4), 127(2) and 3(5) of BNS, 2023. In the course of investigation, involvement of the applicant/accused is revealed hence, he came to be arrested. It is the contention of the prosecution that on the basis of the disclosure statement given by the applicant/accused, investigating officer has effected recovery of two ear rings.

5. Admittedly, investigation of crime qua the applicant/accused is already over as charge-sheet is already filed against him and the same is committed to this Court by the learned Magistrate. Perusal of copy of order dated 18/12/2025 passed in Criminal Bail Application No.1364/2025 shows that said bail application of applicant/accused was rejected on the ground that investigation of the crime is still in progress and release of applicant/accused on bail will hamper further investigation. Investigation qua applicant/accused is over hence, now the question of hampering with the further investigation of the crime so far as the applicant/accused is concerned is out of question. The fact that co-accused persons are yet to be arrested is not sufficient to deny bail to the applicant/accused.

6. Applicant/accused has filed synopsis of 22 crimes registered against him in the past. Learned advocate for applicant/accused submitted that applicant/accused is enlarged on bail in all those crimes. Perusal of the synopsis of the antecedents shows that nine crimes are registered against applicant/accused at Walchand Nagar Police Station within the jurisdiction of Indapur Court for offence punishable under Section 379 of IPC and one crime is registered there for offence under Section 395 of IPC. Learned advocate for applicant/accused has informed that applicant/accused is enlarged on bail in all those crimes. Copy of bail order passed in the Crime registered for offence under Section 395 IPC is placed on record today by the learned advocate for the applicant/accused. Going further, synopsis shows that nine offences are registered against the applicant/accused at various police stations in Solapur District for offence under Section 303(2) of BNS and it is informed that bail is granted to applicant/accused in those crimes also. Be that as it may, even though the applicant/accused

has criminal antecedents and various crimes are registered against him in the past, in view of the legal position laid down in the authorities cited above, it is not sufficient to deny bail to applicant/accused.

7. As mentioned above, investigation of crime qua applicant/accused is already over. Recitals of FIR show involvement of two accused persons only. In the entire charge-sheet, this Court could not find that investigating officer could collect any admissible evidence which would show involvement of 5 persons in the crime which is the primary requirement to attract Section 310(2) of BNS. When enquired at the investigating officer, he drew attention of the Court to copy of entry taken by him in Police Station Diary regarding some information given by applicant/accused which, according to him, is the only material to show involvement of five accused persons in the present crime. Admittedly, other accused are not arrested on the basis of said information. Considering it and the fact that informant has alleged presence of two robbers only in FIR, this Court is of the opinion that since charge-sheet is filed against the applicant/accused, there is a sufficient change in circumstances for directing release of applicant/accused on bail by imposing suitable conditions. Thus, an order.

### **ORDER**

(a) Criminal Bail Application No.115/2026 is allowed.

(b) Applicant/accused Amol @ Vishal Shankar Pawar be enlarged on bail in Crime No.1075/2025 registered at P.S. Mohol for offences PUS 310(2), 127(2), 3(5) of Bharatiya Nyaya Sanhita on his executing PR bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(c) Applicant/accused shall not tamper with the prosecution evidence in any manner.

(d) Applicant/accused shall make himself available for interrogation purposes as & when required by the Investigating Officer by serving a written notice on him.

(e) Applicant/accused shall not directly or indirectly make any inducement, threat or promise to the informant or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts of the case to the Court or to the police officers.

(f) Applicant/accused shall submit copy of his Aadhar Card or PAN Card or Driving License as his ID proof.

Applicant/accused shall attend P.S. Mohol as and when summoned by the I.O.

Sd/-

**Date : 13/03/2026.**

**(P.Rajvaidya)**  
**Addl. Sessions Judge,**  
**SOLAPUR.**