

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1873 OF 2015

Santosh Tammanna Koli ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Priyal Sarda for the Applicant

Mrs. Veera Shinde, APP for the Respondent-State.

Mr.I.D.Omase, P.I.Jodbhavi Peth PStn, Solapur City, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : DECEMBER 05, 2015.

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No. 201 of 2015 pending on the file of the Sessions Judge, solapur, for offence under Section 302, 307, 504, 506, r/w. 34 of Indian Penal Code.

2. The case of the prosecution in brief is that, on 5.5.2015 at about 9.30 p.m. the applicant and his brother Pinto Koli had committed murder of Ilahi Yakub, father of the complainant and also

attempted to commit murder of Salim Ilahi. It is alleged that the applicant had intentionally insulted and threatened to cause death of said Salim.

3. Mr. Sarda, the learned Counsel for the applicant submits that there is no sufficient material to show that the applicant had inflicted any injury on the first informant Salim Ilahi . He therefore contends that there is no prima facie material to show the involvement of the applicant in offence under Section 302, 307 of Indian Penal Code. He has submitted that the applicant is in custody since 5.5.2015 and that the chargesheet having been filed, the presence of the applicant is no longer required in the custody.

4. The learned APP concedes that the material on record does not prima facie show that the applicant was involved in inflicting any injury on the deceased Yakub Ihali or the injured Salim Ilahi.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The

records prima facie reveal that there was some dispute between the first informant Salim Ilahi and Pintu @ Ramesh Koli, the brother of the applicant herein over the money deposited in pigmy account. On 5.5.2015 at about 9.30 p.m. the first informant had gone to the house of Pintu Koli, brother of the applicant to demand the money, at which time the applicant herein had allegedly abused said Salim Ilahi. The FIR indicates that Pintu Koli had stabbed Salim Ilahi with knife, and when his father Yakub Ilahi intervened, said Pintu Koli also inflicted an injury on the chest of Yakub Ilahi by means of knife.

6. The FIR does not prima facie indicate that the applicant herein was involved in inflicting any injury either on the first informant or on the deceased. The applicant is in custody since 5.5.2015. The chargesheet is already filed. The applicant is a permanent resident of Solapur. There are no chances of the applicant absconding or thwarting the course of justice. Taking into consideration these facts and circumstances, as also the nature of allegations levelled against the applicant, in my considered view, the applicant is entitled for bail.

7. Under the circumstances, and in view of the discussion supra, the application for bail is allowed on the following terms and conditions:-

i) The applicant is ordered to be released on bail, on the applicant furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent surety/ies in the like amount to the satisfaction of the learned Sessions Judge, Solapur.

ii) The applicant shall not interfere with the witnesses or tamper with the evidence in any manner.

iii) The applicant shall furnish his permanent as well as temporary address, if any to the Investigating Officer, and the Investigating Officer shall verify the same before the applicant is released on bail.

(ANUJA PRABHUDESSAI, J.)