

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1000 OF 2015

1) Shri Machindra Vasant Kolhe
2) Shri Jalinder Vasant Kolhe
3) Shri Rajaram Parvat Kolhe
4) Shri Subhash Parwat Kolhe
5) ShriDaulat Chandrabhan Kolhe ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Aniket U. Nikam i/b C.S. Damre for the Applicants
Mr.Arfa Sait, APP, for Respondent – State
Mr.Shaikh Kasam Shaikh Hussain, PN/785, Yeola police station- present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 29, 2015**

P.C.:

1. This is an application for pre-arrest bail as the applicants are prosecuted for the offences under sections 435, 436 r/w section 34 of the Indian Penal Code in C.R. No.I-126 of 2015 registered at Yeola Taluka police station, Nashik. It is the case of the prosecution that one Anand Shadu Kokate gave information to the police that his nephew Babasaheb got married to Sarla in 2001. However, there was a dispute between his nephew and his wife. He had intervened in the matter. On 25.6.2015, he got information that Sarla alongwith her daughter Sakshi @ Guddi left the house. They all were searching for Sarla and Sakshi. On 27.2.2015, at

around 11.30am, when he was proceeding for his work, he received a message that the dead bodies of Sarla and Guddi were found in a well. So he went there. At that time, the applicants/accused, who are relatives of Sarla alongwith the co-accused, got angry. They entered the house of Babasaheb and ransacked the articles including food grains. They burnt the vehicles and tapestry in the house and went away. Hence, the complaint was given.

2. The learned Counsel for the applicants/accused has submitted that on the same day i.e., on 28.6.2015, the father of the applicant/accused Nos.1 and 2 and the father of the deceased Sarla gave information to the police of harassment caused by Babasaheb and the family members of Sarla and, therefore, she committed suicide alongwith the daughter. Pursuant to the said FIR, the offence was registered at C.R. No.I-124 of 2015 at Yeola police station on 28.6.2015 against Babasaheb, Punjabai, Dhondiba, the relatives of the complainant. He submitted that because of this, the applicants/accused are falsely implicated and have not committed any offence. It is, therefore, submitted that they are entitled to bail.

3. The learned Prosecutor has opposed the application.

4. Perused the FIR, panchanama, the statements of the witnesses and photographs produced by the prosecution. *Prima facie*, it appears that the offence under sections 435, 436 has been committed by the applicants

and the other accused. However, it is a fact that some time prior to the actual incident, the applicants/accused came across the dead bodies of their sister and their niece in the well and, therefore, they lost their temper and it appears that the offence is committed. The applicants/accused do not have antecedents and I do not find their custody is required in this case.

5. With this, the Anticipatory Bail Application is allowed on the following conditions:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not contact the complainant or any witness and shall not indulge into any kind of offence while on bail;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and Friday, between 6pm to 8 pm, till filing of chargesheet.

(MRS.MRIDULA BHATKAR, J.)