

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.6 OF 2016

Tukaram Vitthal Kolekar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Adv. for the applicant.

Mrs. Veera Shinde, APP for the State.

Mr. Anil S. Gopal, API, Lonikalbhor Police Station, Pune present.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 7th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.659 of 2015 which arises from of Crime No.229 of 2015 registered at Loni Kalbhor Police Station, Pune for the offences punishable under Sections 302, 201, 498(A) of IPC.

2. The case of the prosecution in brief is that the deceased Rohini was married to Yogesh Kolekar, the son of the applicant herein in the year 2009. It is alleged that on 25th May, 2015 said Yogesh had committed murder of his wife Rohini. The accusations against the applicant are that he had aided his son Yogesh in disposing off body of Rohini. It is also alleged that the applicant had misbehaved with

Rohin and the other members of the family had subjected Rohini to cruelty by demanding dowry. In the light of the said accusations, crime was registered for offence under Section 302 and 498(A).

3. Mr. Joshi, the learned counsel for the applicant has submitted that the applicant is not involved in committing murder of Rohini. He has submitted that the allegations against the applicant are that he had aided his son who is the main accused, in disposing the body of Rohini. He has further submitted that the offence under Section 201 is bailable. He has further submitted that the offence under Section 498(A) is punishable with maximum term of three years. The learned counsel for the applicant contends that the nature of the allegations levelled against the applicant do not justify further incarceration.

4. Mrs. Shinde, the learned APP for the State concedes that the applicant is not involved in committing murder of Rohini and that only accusations against the applicant are that he had aided his son Yogesh in disposing off the body of Rohini and further that the applicant was involved in misbehaving with the deceased.

5. I have perused the records and considered the submissions advanced by the learned counsels for the parties. The records prima facie reveal that Yogesh, the son of the applicant and deceased Rohini were married in the month of May, 2009. It is the case of the prosecution that in May, 2015, the son of the applicant had committed murder of said Rohini. The allegations against the applicant herein are that the applicant herein had helped his son in disposing off the body. The statement of Anna Dhondiba Thorat, the father of the deceased also reveals that the applicant had misbehaved with the deceased and had subjected her to mental cruelty.

6. The material on record thus prima facie reveals that the applicant was involved in committing offence under Section 201 and 498 A of IPC. The offence under Section 201 is bailable while the offence under Section 498A of the IPC is punishable with maximum punishment of three years.

7. The nature of the allegations levelled against the applicant, in my considered view does not justify further detention. The applicant is a permanent resident of Tambe Wasti, Kakde Wasti, Theur, Tal. Haveli, Dist. Pune and there are no chances of the

applicant absconding or thwarting the course of justice. Furthermore the applicant has no criminal antecedents.

8. In view of the above facts and circumstances the applicant is entitled for bail. Hence the application is allowed on the following terms and conditions.

(i) The applicant shall be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

(ii) The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.

(iii) The applicant shall attend the hearing before the Additional Sessions Judge, Pune on each and every date of the hearing and as and when required by the Sessions Court.

(ANUJA PRABHUDESSAI, J.)