

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

ANTICIPATORY BAIL APPLICATION NO. 1135 OF 2021

Maruti Kondiba Kolekar. ... Applicant

V/s.

State of Maharashtra. ... Respondent.

Mr. Satyavrat Joshi, advocate for applicant.

Mr. K.V. Saste, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : APRIL 30, 2021.

(Through Video Conferencing)

PC.

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail. The applicant herein is apprehending his arrest in Crime No. 61 of 2021 registered with Kavathe Mahakal Police Station, Sangli for offence punishable under section 302, 307, 323, 504 and 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 12/2/2021 Sudhir Appa Kolekar lodged a report at the police station that on 11/2/2021 at about 8 pm., there was a quarrel between complainant and Daji Kolekar. Complainant's friend Samadhan Kolekar had attempted to intervene and pacify the quarrel. At about 8.15 p.m. Daji Kolekar had attempted to strangle the complainant Sudhir with wire. Samadhan had attempted to intervene and pacify the quarrel. At that time, Annappa Kolekar and present applicant had exhorted Akaram Kolekar and others to assault him and thereafter, Akaram Kolekar had stabbed Samadhan Kolekar in his stomach. Samadhan was admitted in the hospital. The offence was registered against the accused for offence punishable under section 307 of the Indian Penal Code. On 6th March, 2021 Samadhan had succumbed to the injuries. Hence, section 302 of the Indian Penal Code was added.

4 Learned Counsel for the applicant submits that the only act attributed to the present applicant is of exhorting the principal accused Akaram Kolekar. That they were all under the influence of alcohol. It is also submitted that the present applicant and the others had no knowledge that Akaram was carrying a knife. Learned APP submits

that initially, the applicant was granted interim protection by the Sessions court. However, he had not cooperated with the investigation.

5 Learned APP also submits that the accused persons had shared a common intention to eliminate Samadhan Kolekar and hence, the applicant does not deserve to be granted pre-arrest bail. Upon perusal of the records, it is clear that Akaram Kolekar happens to be author of the injuries sustained by Samadhan, which turned to be fatal.

6 However, taking into consideration the role attributed to the present applicant, applicant deserves to be granted pre-arrest bail.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 61 of 2021 registered with Kavathe Mahakal Police Station, Sangli, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to Kavathe Mahakal Police Station, Sangli every day between 10 a.m. to 12 noon till filing of the charge-sheet.

(iv) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)