

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**932 BAIL APPLICATION NO.112 OF 2022
WITH
CRIMINAL APPLICATION NO.621 OF 2022**

Shri. Yadhav Natha Koli
Age: 75 years, Occu: Nil
R/o: Shewade, Tq. Shindkheda,
District: Dhule. ... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Shindkheda Police Station,
Tq. Shindkheda, District Dhule ... Respondent

...

Mr. A. B. Girase, Advocate for the Applicant
Mr. V. S. Badakh, APP for the Respondent
Mr. S. S. Gosawi, Advocate for the informant

...

CORAM : M. G. SEWLIKAR, J.

DATE : 17.02.2022

PER COURT :

Heard.

2. Case of the prosecution is that on 24th May, 2021 at 2:45 p.m., witness-Yogesh Koli was returning home from his field. At that time, Nandu Babulal Koli (since deceased) was returning on his motorcycle from village Shevade. At that very moment, accused Sumit Koli and

Ravindra Koli were coming on motorcycle from the opposite direction. Accused Sumit was riding the motorcycle and accused Ravindra was the pillion rider. Both the motorcycles came face to face in front of the field of Shewantabai. At that time, accused-Ravindra Koli delivered a blow of iron rod on the face of deceased - Nandu Koli. Nandu Koli fell down and accused Sumit and Ravindra also fell down from their motorcycle. Thereafter, accused Nos.1 to 3 and one Yogesh Dhanraj Koli went near Nandu Koli. Accused-Chagan Yadav Koli, Jagan Yadav Koli and Magan Yadav Koli beat deceased-Nandu Koli with kicks. Witness-Yogesh Koli had hidden himself in the field and on arrival of Deepak Udaysingh Girase and Dnyaneshwar Atmaram Mali, he mustered courage and went to the spot.

3. Informant is the father of the deceased-Nandu Koli. When he learnt of the incident, he came to the spot. Thereafter, Yogesh Koli told him about this incident. Accordingly, First Information Report came to be lodged on the basis of which, offences as aforesaid came to be registered.

4. Shri Girase learned counsel for the applicant submits that similarly situated accused have been released on bail by this Court. Case of the applicant is placed on better footing than that of the accused who are released on bail. He submits that there was a head on collision between the two motorcycles. However, because of dispute on account of landed property, this false complaint has been filed. He further submits that there

is no allegations against the applicant of beating the deceased. He, therefore, seeks release of the applicant on bail.

5. Shri Badakh learned APP and Shri Gosawi learned counsel for the informant assisting the APP submit that applicant has criminal antecedents. If he is released on bail, he will be a threat to the witnesses and to the society at large. He, therefore, may not be released on bail.

6. Charge-sheet is filed. Only eye witness is Yogesh Koli. He has attributed role of beating the deceased to the other accused but not to this applicant. Post mortem report does not indicate that the deceased had any injury on any part of the body except face. Considering the role of the applicant in the alleged offence, I am inclined to release the applicant on bail on putting stringent conditions.

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.35000/- (Rupees Thirty Five Thousand) with one solvent surety in the like amount in connection with Crime No.72/2021 registered with Sindhkheda Police Station, District Dhule for the offences punishable under Sections 302, 341, 120-B, 143, 147, 148 and 427 of the Indian Penal Code, on condition that he shall not enter District Dhule till the conclusion of the trial and he shall not tamper the prosecution evidence and he shall co-operate the Trial Court till the conclusion of the trial.
- iii) Criminal Application for assist to APP is also disposed of.

7. These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion.

(M. G. SEWLIKAR, J.)

Sameer