

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

916 BAIL APPLICATION NO.1585 OF 2022

1. SHRIDHAR RAMDAN KOLHE
2. NIRAMALABAI SHRIDHAR KOLHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Tandale Manoharrao A.
APP for Respondent-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 15.11.2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants have been arraigned as accused in the crime registered for the offences punishable under Sections 302, 201, 120-B, 504 read with Section 34 of the IPC. The prosecution has a case in brief that on the day of the incident, the deceased went away from the house talking on the mobile phone at about 00.30 hours. The deceased had affair with one lady, who was married. However, after he went out of the house, he did not return. Then the complainant made the inquiry about the deceased. Then the family members of the deceased started searching for the deceased. They have noticed

that the door of the house of the lady with whom he had affair was opened and she was talking to someone on phone. They heard the sound from the house that, “beat-beat, bring the sticks”. They considered that they were beating somebody. They searched for the deceased nearby the house of the said lady, but they did not find. Suddenly, the electric power went off. At that time, one auto rickshaw came. Its head lights were off. The said rickshaw went towards the house of one Amol Shridhar Kolhe. It was stopped there for some time and returned back. As the deceased did not find, hence, on 06.03.2022 the report was lodged. The dead body of deceased was found under the bridge. On the accusations that the accused came in the auto rickshaw and carried the dead body of the deceased, they have been arraigned as accused.

3. Learned counsel for the applicant would submit that except the suspicion, there is no material against the applicants. They have no concern with the alleged incident. However, being the relatives of the other co-accused, they have been arraigned as accused. There is no concrete circumstantial evidence against the applicants. He has referred to the various documents from the charge-sheet and would submit that the applicants are entitled to bail.

4. After hearing the learned APP at length, she was called upon to collect the Chemical Analysis Report, which was missing in the charge sheet. However, she did not get it. She has vehemently opposed the application contending that the other circumstantial evidence like applicant No.1 was the owner of auto rickshaw and continuous in contact with other co-accused are the strong circumstances against the applicants. Hence, the applicants cannot be released on bail.

5. Perused the charge sheet. The role attributed to the applicants is not clear. Admittedly, they are the relatives of the co-accused, whose role is different from the present applicants. Considering the material collected by the Investigating Officer in toto against the present applicants, it appears that they have good case for bail. The material investigation is also completed. So far as the apprehension of prosecution of tampering with the prosecution witnesses, that can be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant 1. SHRIDHAR RAMDAN KOLHE and 2. NIRAMALABAI SHRIDHAR KOLHE be released on bail on furnishing P.B. and S.B. of Rs.50,000/-

(Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.26 of 2022, registered by Police Station Bodwad, District Jalgaon, for the offences punishable under Sections 302, 201, 120-B, 504 read with Section 34 of the IPC, on the following conditions :

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall not avoid the trial.

(S. G. MEHARE, J.)

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vmk/-