

Darshan Patil

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

BAIL APPLICATION NO.3921/2021

MANGESH ADITWAR KOLI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.1172/2022**

DATTA ADITWAR KOLI AND ANR. . .APPLICANTS
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Silvin Y. Kale a/w Rohan Raut for applicants.
Ms. A.A. Takalkar, APP for State.
Shri Keshav Dinde, API, CBD Belapur Police Station, Navi
Mumbai

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 23, 2022.

P.C. :

1. These are the applications for bail by the applicants – Mangesh Aditwar Koli, Datta Aditwar Koli and Yogesh Aditwar Koli for the alleged offence under Sections 302, 364, 201 and 34 of Indian Penal Code (hereafter ‘IPC’, for short), registered against them vide C.R. No. 219 of 2020 with the CBD Belapur Police Station.

2. The applicants are real brother and It is alleged that

deceased - Dada (Somnath) had an affair with the wife of Prasad Koli (original Accused No. 1), who happens to be the real brother of the applicants. On 29/12/2020, at around 09.51 p.m., Prasad Koli along with the applicants armed with sticks and bamboos, entered Minaxi Bar where the deceased - Somnath was present and assaulted him. Thereafter, the whereabouts of deceased - Somnath was not heard for some time till his dead body was found. It is alleged that Prasad Koli along with the applicants have committed the murder of Somnath.

3. As indicated earlier, the motive of the deadly assault is allegedly the affair which Somnath had with the wife of Accused No. 1 - Prasad Koli. The CCTV footage reveals that Prasad Koli along with the applicants armed with sticks and bamboos had entered the bar where the deceased - Somnath was present.

4. Learned APP relied upon statement of another brother - Ravindra of the applicants who stated to have heard from his mother that Pravin Koli and applicants have murdered Somnath. There is no recovery at the instance of the applicants. The CCTV footage only indicates that Datta Koli

and Yogesh Koli entered the bar whereas Prasad Koli was having wooden plank in both his hands, one of which was handed over to Datta Koli. Footage then records that Yogesh Koli was running after deceased to catch hold of him. Apart from this, there is nothing incriminating against these applicants on record. There is no recovery at the instance of the applicants.

5. The applicants are in custody since 15/12/2020 for the period of more than one (1) year eleven (11) months. There is material against main Accused No. 1 – Prasad Koli. The charge-sheet has already been filed and the investigation is complete. There is no possibility of the trial commencing in the near future. No purpose will be served by keeping the applicants in custody. It is unlikely that the applicants will abscond as their roots in Belapur. There are no criminal antecedents reported against the applicants. Hence the following order.

ORDER

(a) Applicants shall be released on bail in connection with C.R. No. 219 of 2020, registered with CBD Belapur Police Station, Navi Mumbai, on furnishing P.R. Bond in

the sum of Rs.25,000/- each, with one or more sureties of the like amount.

(b) The applicants shall not enter the vicinity where the family members of the deceased are residing, till the trial is over.

(c) Applicants shall report to the CBD Belapur Police Station on Monday of the first week of every month between 11.00 a.m. and 1.00 p.m.

(d) The applicants shall not tamper with the prosecution witnesses.

6. Applications are disposed of.

(M. S. KARNIK, J.)