

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2116 OF 2022

Dipak S. Kolhe

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Kuldeep Patil a/w. Ms Saili Dhuru for the Applicant.

Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 29.03.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No.179 of 2020 registered at Pimpri-Chinchwad Police Station for the offences punishable under Sections 302, 141, 143, 147, 148 and 149 of the Indian Penal Code, Section 4(25) of Indian Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act.

3. According to the prosecution, in the intervening night of 3 July 2020 and 4 July 2020 at about 12.15 a.m., the present applicant and other co-accused assaulted the deceased by koyta and other dangerous weapons and committed his murder on account of dispute, which took place about one hour prior to the alleged incident between the deceased and co-accused Madi Madiwal.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The learned counsel for the applicant submits that statement of alleged eye-witnesses are ad-verbatim. It is further submitted that the medical evidence is not consistent with the version of eye-witnesses. It is further submitted that the applicant is in jail for more than 3 years and the trial is still at the stage of framing of charge. It is thus submitted that the applicant be released on bail.

6. The learned APP, on the other hand, submits that the applicant and other co-accused brutally assaulted the deceased by koyta and other dangerous weapons. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. In addition to it, the learned APP has pointed out the order passed by this Court dated 20 January 2022 in Bail Application No. 3120 of 2021. By the said order, this Court had rejected the bail application of the co-accused Rakesh Suryawanshi.

8. I have perused the statement of eye-witnesses. The role attributed to the present applicant and the co-accused Rakesh Suryawanshi, appears to be identical. Even otherwise it appears from the statement of eye-witnesses that the present applicant

and other co-accused brutally assaulted the deceased by koyta and other dangerous weapons. Considering the overall facts and circumstances, I am not inclined to release the applicant on bail. Hence, the Application is rejected.

[N.R.BORKAR, J.]