



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

**BAIL APPLICATION NO.2933 OF 2023**

SACHIN GAJANAN KOLPE ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

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Adv. Nitin Gaware Patil for the Applicant.  
Ms. Rutuja Ambekar, APP for the State.  
PC S. R. Supekar, Yavat Police Station, Pune.  
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**CORAM : M. S. KARNIK, J.**

**DATE : OCTOBER 12, 2023**

**P.C. :**

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 279, 304-A, 337, 338 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 184, 134, 177 of Maharashtra Motor Vehicles Act registered on 09.10.2022 vide FIR bearing C.R. No.834 of 2022 with Yavat Police Station, Daund, District Pune. Thereafter on the statement of the father of the deceased Sections 302 and 120B read with 34 of the IPC were added.

**3.** There are two accused. The applicant is the accused No.2. The incident happened in the intervening night between 08.10.2022 and 09.10.2022. The applicant was working as a driver on the vehicle of the accused No.1. The accused No.1 and the deceased – Nitin are related to each other. There were some property disputes between the accused No.1 and the deceased. The accused No.1 was of the opinion that the deceased is responsible for creating problems. Accordingly in the intervening night the accused No.1 and the present applicant while in their car followed Nitin who was on his motorcycle. The vehicle belonging to the accused dashed the motorcycle of Nitin. Nitin fell down. Thereafter the accused got down and it is alleged that they assaulted the victim. The victim's father at that point of time was passing by and in the headlight of his motorcycle he saw that the accused No.1 assaulting the victim. The allegation is made that both the accused assaulted the victim. There is a recovery of an iron pipe at the instance of the accused No.1. The motive is attributed to the accused No.1 who was having some property disputes with the

victim. There is no recovery at the instance of the applicant. The applicant merely seems to present at the time of incident. The eye witness has identified the applicant. Prima facie it appears doubtful whether the applicant actually participated in the assault. The applicant was working as a driver of the accused No.1. There is nothing mentioned in the order of the trial Court that there is any criminal antecedents reported against the applicant. The applicant was arrested on 25.12.2022 and is now in custody for more than nine months. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail though learned APP opposed the application for bail. The applicant does not appear to be a flight risk. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant-Sachin Gajanan Kolpe in connection with FIR bearing C.R. No.834 of 2022 registered with Yavat Police Station, Daund, District Pune shall be released on bail on his furnishing P.R.

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

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Yavat Police Station, Daund, District Pune once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**4.** The application is disposed of.

**(M. S. KARNIK, J.)**