

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

CRIMINAL BAIL APPLICATION NO. 3328 OF 2023

Vaibhav Kaluram Kolekar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Chavan a/w Mr. Sachin Arude, Mr. Hrishikesh S. Avhad,
Advocates, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for Respondent-State.

ASI P.N. Jadhav, Khed Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 6th May 2024

P. C.

1. Heard Mr. Chavan, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C. R. No.	291 of 2023
2.	Date of registration of F.I.R.	7 th April 2023
3.	Name of Police Station	Khed, District-Pune
4.	Sections invoked	302, 307, 201, 143, 144, 147, 148, 149 of <i>I.P.C., 1860</i> ;
5.	Date of incident	6 th April 2023
6.	Date of arrest	8 th April 2023
7.	Date of filing of Charge-sheet	July 2023

3. As per the prosecution case, there are total 6 Accused and the Applicant is Accused No.5. As per the prosecution case, all the Accused had assaulted the deceased due to a previous enmity on the issue of employment in the Company where most of the Accused were employed. The prosecution case as reflected in the statement of Rishikesh Chandrakant Walunj dated 8th April 2023 who is an eye-witness shows that the role attributed to the Accused-Sandip Kolhatkar is that he assaulted the deceased with a koyta and that the other Accused assaulted the deceased with fist blows.

4. Mr. Chavan, learned Counsel for the Applicant submitted that no specific role is attributed to the present Applicant. He submitted that no weapon was used by the present Applicant. He was merely present at the time and site of the incident in question. He further submitted that the Applicant is a young person aged 20 years. He submitted that there is another antecedent bearing C.R. No.220 of 2022, registered under Sections 324, 323, 504, and 506 read with 34 of the *I.P.C.*. He submitted that all these offences are bailable and that he has been granted bail therein. He therefore prayed that the Bail Application be allowed.

5. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He submitted that the statement of eye-witness shows that the Applicant had actively participated in the

commission of the offence in question. He submitted that there is recovery of a motorcycle at the instance of the Applicant. He submitted that there is one more antecedent and therefore the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 6th April 2023, the offence was registered on 7th April 2023, the Applicant was arrested on 8th April 2023 and the Charge-sheet was filed in or about July 2023. As per the Charge-sheet, the prosecution proposes to examine 36 witnesses. There is no progress in the trial and even the Charge is also not framed yet. Accordingly, the trial will take a considerably long time.

7. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the role attributed to the Applicant is of assaulting the deceased with fist blows. As far as the antecedent is concerned, all offences therein are bailable.

8. Mr. Chavan, learned Counsel for the Applicant states that as most of the witnesses are residing in the same locality as that of the Applicant, i.e. Taluka-Khed, District-Pune, the Applicant will therefore not reside within Taluka-Khed, District-Pune and that the Applicant will reside at his sister's residence i.e. C/o. Ms. Harshada Bhate, Bhate Vasti, Talawade, Taluka - Haweli, District - Pune.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:

ORDER

(a) The Applicant – Vaibhav Kaluram Kolekar be released on bail in connection with C.R. No.291 of 2023 registered with the Khed Police Station, Taluka - Khed, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Khed taluka after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Dehu Road Police Station, District - Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Dehu Road Police Station, District - Pune to communicate details thereof to the Investigating Officer.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]