

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4236 OF 2023

Ketan Ramdas Kolte, Age 28 years,
Occ.Business, R/o.At Village Bakori,
Lonikand, Tal.Haveli, Dist.Pune.
(Presently lodged at Yerwada Prison)

Applicant

versus

The State of Maharashtra

Respondent

WITH
INTERIM APPLICATION NO.1142 OF 2024

Minal Sachin Shinde

Intervenor

In the matter between :

Ketan Ramdas Kolte

Applicant

versus

The State of Maharashtra

Respondent

Mr.Shekhar Jagtap i/by J.Shekhar & Co. for Applicant.

Mr.Priyal Sarda with Mr.Shubham Sane for Intervenor.

Mr.PH.Gaikwad, APP, for State.

Mr.Dalvi, Police Naik, Lonikand Police Station, Pune, present.

CORAM : ANIL S.KILOR, J.

DATE : 30th July 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.20 of 2022 registered with Lonikand Police Station, Pune City, for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 427,

120(B), 201 of the Indian Penal Code r/w Sections 3(25) and 4(25) of Arms Act r/w Sections 3, 7 of Criminal Law Amendment Act r/w Sections 135, 37(1), 37(3) of Maharashtra Police Act r/w Sections 3(1)(i), 3(2), 3(3) and 3(4) of Maharashtra Control of Organized Crime Act, 1999.

3. Learned counsel for Applicant submitted that as there was an old rivalry between two groups and though the Applicant was not present at the spot, he has been falsely implicated in the alleged offence. It is submitted that except the informant no one else has named the Applicant. It is argued that though the CCTV footage was available from the CCTV installed at a distance of two minutes from the spot of incident, in a school, the same has not been collected. It is submitted that therefore in absence of any evidence against Applicant, the Applicant is entitled for grant of bail.

4. On the other hand, learned APP strongly opposed the application and submitted that the offence is very serious and there is a motive as there is old rivalry between two groups. It is submitted that the Applicant is also a part of the conspiracy as it can be seen from the CDR collected. He therefore submitted that since the offence is very serious, this Court may not grant bail to the Applicant.

5. In the above referred backdrop and having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation, it is evident that the informant had not only named the Applicant but attributed specific role. Applicant is the person who inflicted a blow by sickle (Koyta) on the informant and there are injuries corresponding to the prosecution story. Though other eye witnesses did not name the Applicant specifically but

stated that there were 10 to 14 persons along with accused who were named by the said witness.

6. From the material collected by the prosecution it is evident that there was a motive in view of old rivalry to eliminate the deceased. In that view of the matter it cannot be said that there is reasonable ground to believe that the Applicant is not guilty of the alleged offence. I am not inclined to grant bail to the Applicant. Accordingly, bail application is rejected.

(ANIL S.KILOR, J.)

MST