



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 882 OF 2025

WITH

CRIMINAL APPLICATION NO. 2679 OF 2025

IN BA/882/2025

**VISHAL SANJAY KOLHE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Dushing Sanjay B.
APP for Respondents: Mr. Ruchir S. Wani
Advocate for applicant in APPLN/2679/25 : Mr. Shubham S.
Pawar h/f. Mr. Rahul R. Karpe
...

**CORAM : SANJAY A. DESHMUKH, J.
DATED : 30th SEPTEMBER, 2025.**

PER COURT :-

1. This is an application for granting Regular Bail to the applicant under Section 439 of the Code of Criminal Procedure, 1973, arrested in Crime No.0399/2024 with Police Station Shevgaon, District Ahmednagar under Sections 302, 143, 147, 148, 149, 323 and 120-B of the Indian Penal Code, 1860.
2. The Application No.2679/2025 is an application for assist to Public Prosecutor. For the reasons stated in the application the application is allowed.

3. Learned advocate for the informant – Intervenor pointed out that report in which the informant averred that on 02.05.2024 at about 10.45 p.m. when he was proceeding from the field of the village Shahartakli Tq. Shevgaon, District Ahmednagar, he heard a hue and cry. He proceeded towards the Laksmi Mata Mandir and in the streetlight he saw that Ajay Kolhe, Kiran Chavan, Pankaj Kolhe, Avinash Pawar, Vikas Kolhe, were assaulting his real brother along with them, there were 3 to 4 persons who were also beating deceased Akshay by fists and kicks blows. When we reached the spot all these persons ran away. The deceased suffered injuries on the backside of the head and rear side of right ear, so also blood was oozing from his right thigh. The informant with the help of Omkar Kakde, Arun Lokhande and Nitin Giram took Akshay to the hospital of Dr. Rajale of the village. The said doctor directed him to shift the injured to the hospital at Shevgaon. Then Akshay was admitted to the Rural Hospital Shevgaon. That time, he told that these 5 persons and other 24 persons assaulted him by a knife, sickle, iron rod, fighter and wooden-log. Akshay succumbed to the injuries on 11.50 p.m. Therefore report was lodged on the second day. Learned advocate for the applicant submitted that the applicant has no criminal antecedents. Co-accused Anil is released on bail who had also assaulted Akshay with the wrist-ring. The applicant has roots in the society. He will not flee away from the trial. The trial will take a

long period. Applicant is ready to not to enter into the village Shahar Takli, till the conclusion of the trial. It is lastly prayed to grant the bail.

4. Learned APP for the respondent-State, and learned advocate assisting the prosecution, strongly opposed the application and submitted that the applicant is involved in the serious crime of murder. There is evidence of eye witnesses who saw the applicant while assaulting Akshay with a stick. The applicant's involvement is clearly established from the statements of the witnesses, who saw him while assaulting Akshay. If the applicant is released on bail he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

5. Perused the charge-sheet particularly report of the postmortem, statements of the witnesses as well as the order of this Court granting bail to the co-accused Anil More in Bail Application No.2085/2024 dated 25.02.2025. On perusal of all these documents, particularly the statements of the independent witnesses that the applicant assaulted Akshay with a stick, his involvement in the commission of murder of Akshay is *prima facie* established. Considering role of Anil More, who beaten the Akshay with the wrist-ring, the role of this applicant is more serious as he assaulted Akshay with a stick, therefore, on the principle of parity, the applicant is not entitled for bail. In such circumstances, considering the role of the applicant, if the applicant is released on bail he will certainly

pressurize the prosecution witnesses and tamper the evidence. Considering all these aspects, the application deserves to be rejected.

6. The application is rejected.

(SANJAY A. DESHMUKH, J.)

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