



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

14 BAIL APPLICATION NO. 1547 OF 2025

Ganesh Sanjay Kolhe
VERSUS
The State Of Maharashtra

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Mr. Prashant P. Giri a/w Mr. Yogesh G. Kasod, Advocate for Applicant
Mr. S. B. Narwade, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting of regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.139 of 2025, registered at Nanded (Rural) Police Station, District Nanded, for the offences punishable under Sections 103(1), 238, 126(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 25 of the Indian Arms Act.
3. The learned advocate for the applicant pointed out the report in which the informant averred that the applicant and co-accused Vishwanath committed the murder of his brother Datta and threw his body in a quarry lake owned by one Lavekar. The alleged motive for the crime was that Deceased Datta had earlier committed the murder of one Sanjay Gopinath Kolhe, who was the father of the applicant and the

brother of co-accused Vishwnath. Datta was in jail in connection with that case but was acquitted in the year 2022. Therefore, it is alleged that Vishwanath and the applicant committed his murder.

4. The learned advocate for the applicant submitted that there is a confessional statement of co-accused Vishwanath recorded by the police, which is not admissible in evidence, wherein he stated that he, along with the present applicant, committed the murder of Datta. He further pointed out that a recovery panchanama of a sword and an axe has been prepared, however, the same is only corroborative in nature and therefore, there is no substantive material to show the applicant's involvement in the murder of Datta. It is further submitted that the applicant has roots in the society and he will not flee away from the trial. The investigation is over and the trial will take long period. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime of murder. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report and statements of witnesses, as well as the post-mortem report and recovery panchanama of the weapons i.e., an axe and a sword. The statement of co-accused Vishwanath recorded by the police is inadmissible in evidence, insofar as it

implicates the present applicant as having accompanied with him during the commission of the murder of Datta. The applicant has roots in the society and he will not flee away from the trial. He has no criminal antecedents. The trial will take long period. Further, the medical documents produced show that the applicant is suffering from paralysis. Considering all these aspects, the applicant is entitled for bail on the principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The interim bail granted by this Court by order dated 08.08.2025 stands confirmed.
- III. The applicant, in connection with Crime No.139 of 2025, registered at Nanded (Rural) Police Station, District Nanded, for the offences punishable under Sections 103(1), 238, 126(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 4 and 25 of the Indian Arms Act, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

[SANJAY A. DESHMUKH, J.]

HRJadhav