



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

**BAIL APPLICATION NO. 289 OF 2025
WITH
CRIMINAL APPLICATION NO. 935 OF 2025
IN BA/289/2025**

Mayur Vinod Koli
Age: 21 years, Occu.: Labourer,
R/o. : Asoda Road, Near Mohan Tokies,
Jalgaon, Tq. & Dist.Jalgaon.Applicant

Versus

The State of Maharashtra
Through Incharge Police Station Officer,
Police Station Shanipeth, Jalgaon,
Dist.Jalgaon.Respondent

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Advocate for Applicant : Mr. Vinayak P. Narwade .
APP for Respondent : Mr.C.VBhadane
Advocate for assist to PP : Ms.Jayshri P Nawale h/f.
Mr.Mayur V.Salunke

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 05 MAY, 2025

PRONOUNCED ON : 06 MAY, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0119 of 2024 registered with Shanipeth Police Station, District Jalgaon, for offence under Sections 302, 143, 145, 147, 148, 149, 201, 202, 216 of the Indian Penal

Code (IPC), under Sections 37(1)(3) and 135 of the Maharashtra Police Act, and under Section 3, 25 of the Arms Act.

2. Criminal Application No.935 of 2025 is filed by the original informant seeking permission to assist the Public Prosecutor. For the reasons mentioned in the application, Criminal Application No.935 of 2025 is allowed. Informant is permitted to assist the Public Prosecutor in this matter.

3. It is submitted that applicant is arrested in above crime on 23-05-2024 and as such he is behind bars since almost one year. He pointed out that there are allegations of committing murder and 11 persons are arraigned as accused. That, alleged occurrence is said to be in the backdrop of money transaction. That, present applicant is shown as accused no.5. That, no overt act is attributed to the applicant. That, his role is also not defined. That, there are general and omnibus allegations that 8 to 10 persons assaulted deceased by means of stick and some sharp weapon. That, no recovery or discovery is to be made from the applicant. That, chargesheet is already filed in August, 2024. That, charge is not framed. As the future course of trial is uncertain and as applicant is behind bars since one year, relief of bail is urged for.

4. Learned APP as well as learned counsel for the informant both opposed application on the ground that there is eye witness account in the form of one Bhanudas Pandurang Savdekar. That, present applicant has allegedly used chair and as such there is specific allegation. That, this Court had already rejected application of co-accused. Learned counsel for informant pointed out that there is CCTV footage and therefore, there being strong evidence, there is oppose to the application.

5. Heard. Perused the FIR dated 23-05-2024 at the instance of Ashok Shrawan Sonawane at Shanipeth Police Station, Dist.Jalgaon, reporting that on 22-05-2024 at around 10:30 p.m., Amol Sonar, friend of his deceased son, telephoned him and informed that some persons have beaten his son Kishor and he is unconscious and to come at Civil Hospital, Jalgaon. There he claims that Amol Sonar narrated that, when deceased, others including present applicant were having dinner at hotel Bhanu at around 09:00 p.m., deceased Kishor received a phone call and so he went out. Shortly, it was learnt that deceased had quarreled at Chinese Hawker's stall at Kalinkamata Chowk and therefore, all went there. Quarrel between deceased and Rupesh Kakde on account of transaction of money was

going on, but that was resolved and deceased Kishor was brought back at hotel Bhanu. At around 10:00 p.m., it is alleged that 8-9 persons, some of whom were known to Amol, namely Rupesh Sonar, Nilesh Sapkale, Akash Sapkale, Amol Sonwane, Mayur Koli, Durlabh Koli, Ishwar Kakde and Rupesh Kakde and 2-3 unknown persons came armed with wooden logs and sharp weapon like knife and mounted attack on Kishor. Informant claims that he learnt that his son was dragged out of hotel and assaulted there also. On examination, his son was declared dead, hence, the above report.

6. The principal grounds for bail put-forth are that, applicant is not named in the FIR, no overt act is attributed to him and there is no use of weapon alleged against him and moreover, only allegations are of giving fist blows.

7. After going through the papers placed before this Court by learned APP, it is emerging that above FIR is by father of deceased primarily on the information given by Amol Sonar. On visiting his statement, it is emerging that he was present there when the incident took place. There was said to be some quarrel between deceased and Rupesh Kakde in the backdrop of some money transaction at Kalanka Chowk somewhat at around 09:00 p.m. and after issue was resolved,

deceased was said to be brought back to hotel Bhanu for dining. After one hour, it is alleged that 9-10 persons came armed with articles like sharp weapon, wooden logs etc. There are allegations that such 9-10 persons together assaulted deceased. This eye witness Amol Sonar has named present applicant specifically. After first episode of exchange of heated words between deceased and accused Rupesh, above persons seem to have come armed. Therefore, merely because allegations against present applicant are of giving fist blows and that his name is not reported in the FIR, is itself not sufficient to grant relief of bail, more particularly, when there is said to be evidence in the form of electronic evidence. There are statements of other witnesses also, who were in the company of deceased. Post mortem report shows that deceased Kishor has suffered as many as 27 injuries including stab incise wounds all over the body and death is said to be due to “stab injury to vital organs associated with head injury”.

This Court had already rejected application of another accused namely Prashant Subhash Kakade against whom there were allegations of giving kicks and fist blows. Considering the material in FIR and statements of witnesses, even bail application of present applicant deserves to be rejected. Hence, following order :

ORDER

- (I) Bail Application is rejected.
- (II) Criminal Application No.935 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE

SPT