

Nikita

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

BAIL APPLICATION NO.227 OF 2025

Basavraj Advayappa Koli	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Priyal Sarda a/w Mr. Rajesh R. a/w Ms. Seema Dighe, a/w Mr. Shubham Sane for the Applicant.

Ms. Madhavi Mhatre, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 18th JUNE, 2025

P.C.:

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant and Ms. Madjhvi Mhatre learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.244 of 2024 registered with Mandrup Police Station, Solapur for the offences punishable under Sections 302, 201 read with Section 34 of the IPC.
3. Bail Application of the Applicant was rejected by the Sessions Judge Solapur by order dated 13.12.2024.
4. FIR was lodged at the instance of Mr. Chandrakant Govind Koli i.e. the brother of the deceased. Case of the prosecution is that

on 24.06.2024, Bhagyashree, sister of the informant while sleeping was given a blow of stone on her head, resulting in death of Bhagyashree. At the relevant time, she was residing with her husband, the Applicant herein. On the basis of the above, said crime was registered. Said crime is now registered as Sessions Case No.211 of 2024 and is pending before the learned District and Sessions Court Solapur.

5. There are three Accused in the crime. Applicant is Accused No.1.

6. Mr. Priyal Sarda, learned Advocate for the Applicant submits that the entire prosecution case is based on circumstantial evidence. He submits that the FIR was lodged at the instance of the brother of the deceased, who had given information about of his sister being murdered by the Applicant. He submits that statement of Mr. Chandrakant Koli was recorded under Section 164 of Cr.PC. He states that in the said statement, Mr. Chandrakant Koli, does not make any allegations or imputation against the Applicant. He submits that Accused No.2 and 3 who are the brothers of the Applicant herein have been released on bail by the learned Sessions Court by order dated 23.10.2024. He submits that the Applicant has two minor children, one is of seven years age and other is ten years of age. He submits that there is no one to look after the children. He states that the Applicant does not have any criminal antecedents. He therefore, prays for bail.

7. Ms. Madhvi Mhatre, learned APP for the State submits that though, the crime is based on circumstantial evidence, the

circumstances point out to the role/involvement of the Applicant in the crime. She submits that though, the crime was registered on the basis of the information provided by Mr. Chandrakant Koli, in his statement under Section 164 of Cr. P. C., he has not made any allegations or reference to the involvement of the Applicant in the crime. She submits that the investigation has not revealed any criminal antecedents as far as the Applicant is concerned.

8. I have perused the record placed before me with the able assistance of the learned Advocates for the parties.

9. Prosecution case is based on circumstantial evidence. The material that is collected during the investigation does not *prima facie* indicate any circumstance which can show the involvement of the Applicant in the crime. In addition, the statement of the informant i.e. the brother of the deceased recorded under Section 164 of the Cr. PC., does not support the case of the prosecution.

10. In view of the above and the material placed on record, are not so compelling circumstances, deny bail to the Applicant. Applicant has not criminal antecedents.

11. Applicant is therefore, entitled to bail, subject to the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.244 of 2024 registered with Mandrup Police Station, Solapur for the offences punishable under Sections 302, 201 read with Section 34 of the IPC on his furnishing PR bond in the sum of Rs.25,000/- or one or two sureties in the like amount to the satisfaction of the

Sessions Judge Solapur.

- b) Applicant shall cooperate with the investigation.
- c) Applicant shall not interfere or threaten or influence any of the witnesses or tamper with evidence.
- d) Applicant shall attend the trial of Sessions Case No.211 of 2024 on each date of hearing unless specifically exempted.

12. The Bail Application No.227 of 2024 is disposed off.

(ASHWIN D. BHOBE. J.)