

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 295 OF 2025**

Suraj Baban Kolage ... applicant

versus

The State of Maharashtra Respondent

Mr. Shailesh Chavan along with Mr. Sachin Pawar and Mr. Sagar Kawde, Advocate for the applicant.

Mr. Sameer M. Mangaonkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th MARCH, 2025.

P.C. :

1. By this application, applicant is seeking regular bail in Crime No.75 of 2019 registered with Dattawadi Police Station, Pune, for the offences punishable under Sections 302, 307, 324, 143, 147, 148, 149, 120-B and 201 of the Indian Penal Code, 1860 (for short "the IPC"), Sections 3 and 4 read with 25 of the Arms Act, Sections 37(1)(3) read with Section 135 and under Section 142 of the Maharashtra Police Act, 1951 and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. It is prosecution case that on 13th January 2019 at about 6.00 p.m., the applicant and co-accused murdered deceased-Nilesh Wadkar by assaulting him with sharp weapon and tried to kill the first

informant. The allegations against the applicant are that, he assaulted the witness – Sujit Bedambe.

3. It is contention of learned counsel for the applicant that the allegations against the applicant are that he assaulted the witness along with other co-accused. The applicant has not assaulted the deceased or the first informant. The applicant is behind bar for more than six years. This Court has released the co-accused on bail, hence, the applicant is entitled for bail on principle of parity and requested to allow the application.

4. It is contention of the learned APP that, the applicant is part of gang. The said gang assaulted the deceased and first informant with sharp weapons. At the time of the incident, the applicant was present. There was involvement of the applicant in crime. If the applicant is released on bail, he may abscond or he may threaten the prosecution witnesses. The applicant has antecedent under Section 506 of the IPC. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused charge-sheet.

6. The allegations against the applicant are that he along with co-accused assaulted the witness-Sujit Bedambe. There are no allegations against the applicant that he assaulted deceased or first informant. This Court has released co-accused on bail. The applicant is behind bar for more than six years, yet trial has not commenced. Considering this fact, his further detention is not required and I pass following order.

ORDER

- (i) The applicant be released on bail in Crime No.75 of 2019 registered with Dattawadi Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till framing of charge.
- (iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)