

Nikita

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

BAIL APPLICATION NO.458 OF 2025

Anil Shivling Koli ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi (through V. C). a/w Mr. Samay Pawar i/b Mr. Ishan Paradkar for the Applicant.

Ms. Veera Shinde, APP for the State.

Ms. Uma Gawade, PSI, Talegaon Dabhade Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 30th JULY, 2025

P.C.:

1. Heard Mr. Satyavrat Joshi learned Advocate for the Applicant and Ms. Veera Shinde, 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. 562 of 2023 registered with Talegaon Dabhade, Police Station, Pune for the offences punishable under Sections 302, 363, 364, 342, 170, 323, 504 r/w 34 of the Indian Penal Code, 1860. Said crime is registered as Sessions Case No.13 of 2024 and is pending before the Court of Additional Sessions Judge, Vadgaon Maval, Pune District.
3. There are four Accused in the crime. Applicant is Accused

No.2.

4. Case of the prosecution is that Shrikrushna Takale, was assaulted, beaten, abused and tortured by the Accused persons. Motive for Shrikrushna being subjected to the torture is recovery of amount from him.

5. Applicant was arrested on 01.11.2023, since then he is in jail. Bail Application at Exhibit-31 filed in Sessions Case No.13 of 2024 was rejected by the Additional Sessions Judge, Vadgaon Maval, District Pune by order dated 22.11.2024.

6. Mr. Satyavrat Joshi, learned Advocate for the Applicant submits that the Applicant is said to have assaulted Shrikrushna, by use of belt, kicks and hand blows. He submits that the Applicant does not have motive to commit the murder of Shrikrushna Takale. He submits that the Accused No.1 who had motive in the present crime has been released on bail by the learned Trial Court by order dated 29.08.2024. He submits that other two Accused Nos. 3 and 4 are also released on bail by this Court. He submits that at the highest the evidence on record would suggest the case to be under Section 304 (part 2) of the Indian Penal Code, 1860.

7. Ms. Veera Shinde, learned APP for the State, submits that the main assailant and the person responsible for the death of Shrikrushna Takale is the Applicant. She submits that the material on record clearly discloses that Shrikrushna being subjected to torture at the hands of the Applicant. She points out to the statement of Ashwini Kholam, eye-witness to the said crime, who has in detail narrated the incident of Shrikrushna Takale being

tortured by the Applicant. She submits that the Applicant apart from assaulting Shrikrushna Takale, with belt, kicks and hand blows, had inserted chili in the private part of Shrikrushna Takale. She submits that Shrikrushna Takale who was aged about 63 years, succumbed to the unbearable torture he was subjected to. She submits that the role played by the Applicant is distinct footing and nowhere to the case of the other Accused who are released on bail.

8. Perused the record with the assistance of the learned Advocates for the parties.

9. Material placed on record reveals the Applicant to be the main assailant in the present crime. Applicant has assaulted Shrikrushna Takale by his belt, kicks, hand blows. Said assault has resulted in injuries on the head of Srikrishna Takale. Statement of Ashwini Kholam, an eye-witness reveals that the Applicant had put Shrikrushna Takale to inhumane torture by inserting chili in the private part (anus) of Shrikrushna Takale.

10. Postmortem report of the Shrikrushna Takale, at clause 19(b), refers to the following injuries and to the cause of death:

“b) Skull:-Vault and basal describes feature, Occipital bone fractured right side their sites. Dimensions etc.”

Cause of death is cardiorespiratory failure due to intracranial hemorrhage due to head injury”

11. Considering the nature of the allegations, injuries suffered by Shrikrushna Takale, and the manner in which Shrikrushna Takale a 63 years old person, was subjected to torture, supports the

prosecution case against the Applicant. Prima facie, there appears no inherent infirmities or improbabilities in the prosecution case. Given the gravity of the allegations and the material indicating Applicant's role, he is not entitled to bail.

12. Bail Application No.458 of 2025 is dismissed.

(ASHWIN D. BHOBE. J.)