



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

BAIL APPLICATION NO.2248 OF 2025

Kiran Baban Kolpe

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....

Ms Pradnya S. Talekar, Advocate for applicant

Mr. P.P. Dawalkar, A.P.P. for respondent – State, assisted by

Mr. M.K. Bhosale, Advocate for complainant

.....

WITH

CRIMINAL APPLICATION NO.4463 OF 2025 IN
BAIL APPLICATION NO.2248 OF 2025

Jayshri Dipak Pardeshi

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. M.K. Bhosale, Advocate for applicant

Mr. P.P. Dawalkar, A.P.P. for respondent – State

Ms Pradnya S. Talekar, Advocate for respondent No.2

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th JANUARY, 2026

PER COURT :

1. Criminal Application No.4463/2025 is allowed. The original complainant is permitted to assist learned A.P.P.

2. The applicant seeks release on regular bail in connection with Crime No.0284/2025, registered with Tofkhana Police Station, District Ahilyanagar for the offences punishable under Sections 103(1), 140(1), 238, 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case is that, in the course of missing inquiry of the deceased Deepak Lalsing Pardeshi, the informant Amol Dattu Gaydhani, P.S.I. attached to Topkhkhana Police Station, Ahilyanagar received CCTV footage of Nayara Petrol Pump, Bolhegaon. On inspection of the same, noticed that the deceased was being tracked by a Tata Indica Car, which was identified to be in use of the present applicant. Therefore, summoned the present applicant (accused No.1) and accused No.2 Sagar More. It is alleged that, during the course of inquiry, accused No.2 Sagar disclosed that, the task of recovery of loan amount along with interest disbursed by the deceased was given to the present applicant by the deceased. However, instead of proceeding with the recovery of amount, the accused No.2 Sagar and the present applicant conspired to extract money from the deceased and they took the deceased from his house towards Nimbalk village on Nagar-Manmad Highway in the Indica Car of the present applicant

on 24/2/2025 at about 2.00 p.m.

4. It is further alleged that, the present applicant demanded Rs.10 Crores as already conspired and asked accused No.2 Sagar to tie both the hands of deceased to the seat. The deceased started scuffle, the present applicant allegedly asked accused No.2 Sagar to tight the neck of the deceased with nylon rope and accordingly it was done. During scuffle, the deceased tried to open the door of the car, but the present applicant tied both his legs and hands with nylon rope. As the deceased did not give money, they stopped the car on Vilad Ghat road next to Nimbalak Bypass. The accused No.2 Sagar tightened the neck of deceased with nylon rope and killed him and alighted the dead body of the deceased near Nimbalak Bypass and put it in a drainage.

5. It is further alleged that, on returning back, the present applicant sent some messages through the mobile of the deceased and threw the handset into a running truck which was proceedings towards Ahmednagar.

6. Learned counsel for the applicant submits that, there is no incriminating material against the present applicant so as to connect the applicant with the alleged incident. The Tower location

does not indicate the location of the present applicant at the relevant point of time at the spot of the incident. There is every likelihood that, somebody else had motive to commit murder of the deceased as the deceased was a money lender and there were many complaints against the deceased and implication of the applicant is false. ` As such, prayed to allow the application.

7. Per contra, learned A.P.P. and learned counsel for the complainant vehemently opposed the application and contended that, the offence is serious and the motive can be gathered from the F.I.R. as well as the material collected during the investigation, which unequivocally indicate the complicity of the applicant in the offence which is a serious and grave one. As such, the application does not warrant consideration and, therefore, prayed for rejection of the same.

8. Upon considering the submissions of the learned counsel for the applicant and the learned A.P.P. vis-a-vis learned counsel for the complainant, and perusal of the material on record including the Chargesheet, the prosecution case is based on circumstantial evidence, which prima facie does not show a seamless link between the circumstances and the accused. The prosecution relies on the CCTV footage of tracking the deceased in

the vehicle allegedly used by the present applicant.

9. However, there is no material to indicate that the same was driven by the present applicant. Thus, the circumstances do not prima facie point out conclusively the complicity of the present applicant in the alleged incident. The CCTV footage in isolation cannot be regarded as a clinching evidence to indicate the complicity of the present applicant. Moreover, the veracity and reliability of CCTV footage is an aspect of trial. The same cannot be used as a sole basis to withhold the liberty of the applicant.

10. Apart from the aforesaid aspect, since the prosecution is citing inasmuch as 45 witnesses, therefore, the trial is likely to take considerable period for its commencement and conclusion.

10. Nevertheless, the investigation is complete for all intents and purposes. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant Kiran Baban Kolpe be released on bail on

furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-