

MHJG040010012026

CRIL. BAIL APPLN. No.237 OF 2026

(Prakash Tarachand Koli Vs. State]



ORDER BELOW EXH.1

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for regular bail filed by the accused namely, **Prakash Tarachand Koli** arrested in Crime No.09/2026 registered at Jalgaon Taluka Police Station for the offence punishable under Section 103(1), 118(2), 115(2), 351(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3/25 & 4/25 of the Arms Act.

2] Prosecution case in short is as under :

That on 14.01.2026 during night hours, accused Akash Ramkrushna Koli made phone call, abused deceased Balu Koli and called him at Bus Stand. After arrival of Balu Koli, applicant along with other accused also came there and they started beating Balu Koli by slaps and fist blows. At that time, applicant and Ramkrushna Koli caught hold deceased Balu Koli and accused No.1 Akash assaulted Balu Koli on his neck for 2 to 3 times by scythe. Thereby, Balu sustained serious bleeding injury and fell down. Balu was taken to the hospital where doctor declared him as dead.

3] Ld. Advocate Shri. Aqeel Ismile for the accused-applicant during his argument submitted that one of the accused Chetan has already been released on bail. Except clothes of the applicant, nothing is recovered from him.

There is no role of the applicant in assault on deceased. There was earlier dispute in between accused No.1 and deceased. Now investigation is complete and final report is submitted before Judicial Magistrate First Class, Jalgaon. He also relied on the case of “Shaikh Mazhar Sk. Yousuf Vs. State of Maharashtra”, decided by the Hon’ble Supreme Court in SLP (Cri) No.2791/2024 dated 06.05.2024, and “Lahu Janardan Thorat Vs. State of Maharashtra” decided by the Bombay High Court, Bench at Aurangabad, in Bail application No. 1563/2023 dtd. 21.09.2023. I have gone through the said authorities. It is further, submitted to release the accused on bail.

4] On the other hand Ld. A.P.P. Shri. N.D. Chaudhari submitted during his argument that offence is serious in nature. Accused-applicant caught hold deceased and accused No.1 assaulted by means of scythe. It shows intention of the applicant. All the accused came on the spot of incident with preparation. There is prima facie evidence available against accused. Role of accused Chetan is different than the present applicant. Hence, parity is not applicable. Lastly submitted to reject the bail application.

5] Ld. Advocate Shri. Mukesh Shimpi appeared on behalf of informant. He adopted argument advanced by Ld. APP, and submitted to reject the bail application.

6] I have gone through investigation papers. It reveals that incident took place on 14.01.2026 at about 8.00 p.m. and onward. Informant is the brother of deceased Balu Koli. On the day of incident, accused Akash was

abusing on phone call, and called Balu at Bus Stand. Accordingly, Balu came at Bus Stand and there was exchange of words in between Balu and Akash. At that time, applicant and accused Ramkrushna also came there and both of them caught hold deceased Balu. Accused Akash had taken out the scythe with him and assaulted on the neck of deceased Balu on 2 to 3 times. Thereby Balu fell down.

7] Postmortem report shows seven injuries including one chop wound present over neck. Cause of death shows haemorrhage and shock due to chop injury over the neck.

8] During investigation, applicant and other accused are arrested. Statements of witnesses show that accused Akash assaulted by scythe on the neck of deceased Balu. Scythe weapon of offence is recovered at the instance of accused Akash. Role assigned to the applicant is that he caught hold Balu at the time of incident. Statements of witnesses also show the same role attributed to the applicant. Except clothes of applicant nothing is seized from him.

9] In the case of “Sk. Mazhar Sk. Yousuf”, cited supra, the Hon’ble Supreme Court released accused on bail, on the ground that his role was limited to catching hold the deceased during the incident. The case of “Lahu Janardan Thorat” , cited supra, is also on the same footing.

10] Here in the present case also, role assigned to the applicant is that he caught hold deceased at the time of

incident. There are no allegations of use of any weapon by the applicant. Further, death of Balu is caused due to wound on neck which is caused due to assault by accused Akash.

11] Now nothing is to be recovered from the applicant. Investigation is complete. Hence, his further custody is not required. No purpose will be served by keeping the accused behind bar. Apprehension of Ld. APP and informant can be taken care by imposing certain conditions while releasing the accused-applicant on bail. Hence, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) Accused-applicant by name, **Prakash Tarachand Koli** arrested in Crime No.09/2026 registered at Jalgaon Taluka Police Station for the offence punishable under Section 103(1), 118(2), 115(2), 351(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3/25 & 4/25 of the Arms Act be released on bail on furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount.
- (iii) The accused shall not tamper the prosecution evidence.
- (iv) The accused shall not meet, pressurize or influence any of the prosecution witnesses.
- (v) The accused shall remain present on each and every date before the Court unless exempted.

- (vi) The accused shall not leave the area in which he is residing without giving prior intimation to the concerned police station about his new address.
- (vii) The accused shall not travel abroad without prior permission of the Court.
- (viii) Breach of any of the conditions shall result in cancellation of bail.
- (ix) The accused-applicant be informed about this order by e-mail through jail authority.

Jalgaon.

Date : 27/04/2026

(S.V. Khongal)
Additional Sessions Judge,
Jalgaon.