

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 974 OF 2016

Vaibhav Dattu Koli ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Mr Raja Thakare i/by A.M. Chimalkar for the applicant.

Ms S.S.Kaushik, APP for the State.

P.S.I. Uddhav Surve, Bhoiwada Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 29th August, 2016

P.C.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 by the applicant in C.R. No. 484/2015 registered with Bhoiwada Police Station, under sections 420, 465, 466, 468, 471, read with section 34 of the Indian Penal Code.

2) It is the precise allegation of the prosecution that the applicant along with other two co-accused persons assured the victim/first informant and other victims for giving job in a Government Department and, particularly, as Police Sub-Inspector. That the applicant and the other co-accused after accepting huge amounts from the victims, gave fake appointment letters to some of the victims. The first informant namely, Kanifnath Dahale realised the fact that the assurance given by the accused persons in the present crime was a false

assurance and they have been duped for valuable consideration under the guise of providing service in the Government Department, the first information report is lodged. The police, thereafter conducted the investigation and after completion of investigation have submitted the final report as contemplated under section 173 (2) of the Code of Criminal Procedure.

3) Heard the learned counsel for the applicant, the learned APP and also perused the copy of the charge-sheet annexed to the present application.

4) There are in all three accused persons. The applicant is the original accused no.2. The record reveals that the applicant was working as a Police Constable and was posted in Mantralaya at the relevant time. That the applicant and the other accused persons by pretending that they are capable of getting appointment orders to the needy people for securing job in the Government Department, deceitfully accepted huge amounts from the victims. The record reveals that an amount of Rs.40,000/- has been recovered at the instance of the applicant. There are statements of victim persons which support the prosecution case. The applicant was arrested on 31/12/2015 and since then he is in jail. The investigation of the present crime is completed and charge-sheet is filed. The record further

discloses that there are no antecedents at the discredit of the applicant. In view of the same, the applicant has made out a case for his release on bail.

Hence, the following order :-

ORDER:-

- (a) The applicant shall be released on bail in CR No. 484 of 2015 registered with Bhoiwada Police Station, on his furnishing a PR. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;
- (b) After his release from jail, the applicant shall attend Bhoiwada Police Station once in a month on every first Monday of the said month, between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial;
- (c) The applicant shall also attend each and every date before the trial Court, without any excuse;
- (d) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- (e) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439 (2) of the Cr.PC;
- (f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)