

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1544 OF 2016

Sanjay Dineshrao Kadam

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. A. P. Mundargi i/b Mr. Tanveer Khan Advocate for Applicant.

Mr. Arfan Sait APP for the State.

Mr. S. M. Kalambe, Police Constable, Laxmipuri Police
Station, Kolhapur.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 18, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested during the intervening night of 15/06/2016 and 16/06/2016 in crime no. 186 of 2016 registered at Laxmipuri Police Station, Kolhapur for offence punishable under sections 222, 224, 225, 120 (B) r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that accused in crime no. 250 of 2014 registered at Paud Police Station for offence punishable under section 302, 143, 147, 148, 149 of the Indian Penal Code was lodged in prison at Kalamba. On the date of the incident, he was admitted in C.P.R. Hospital, Kolhapur in

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the prisoner's ward since 13/05/2016. It is alleged by the prosecution that at around 11.35 p.m., an information was received by the police station that some unknown persons have visited the prisoner's ward at C.P.R. Hospital in order to rescue original accused no. 1 in crime no. 250 of 2014 by administering alcohol to the guards who were with the original accused. It is also alleged that the said persons including the present Applicant were making efforts to facilitate, escape of the original accused from the lawful guardianship of the police. The police officer visited C.P.R. Hospital. It was noticed that there was some chaos on the terrace of the building. There was one police officer on the terrace in whose presence a party was going on. That they were consuming alcohol. The moment the police officer of Laxmipuri Police Station approached the hospital, the persons having party with the original accused jumped from the terrace. Applicant herein had also jumped from the terrace and had injured his leg.

3) The learned APP, upon instructions, submits that besides the fact that the Applicant was present along with the accused who was admitted in C.P.R. Hospital, there is no evidence.

4) The learned senior counsel also rightly submits that the offence for

which the Applicant can be held liable would be under Section 225 of the Indian Penal Code which is punishable up to 3 years.

5) In view of the material on record, Applicant deserves to be enlarged on bail. It is made clear that the observations made herein above are prima facie in nature and the same shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on every Wednesday and Sunday between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)