

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.174/2016

Panjab Gulabrao Pawar and another

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station Risod and
Dy. S.P. C.I.D. Buldana

AND

CRIMINAL APPLICATION (ABA) NO.186/2016

Vijaysing Panjabrao Ghuge

..Versus..

State of Maharashtra, through Police Station Officer Risod Tq. Risod, Distt Washim

AND

CRIMINAL APPLICATION (ABA) NO.214/2016

Ratan Tulsiram Bawaskar

..Versus..

State of Maharashtra, through Police Station Officer Risod, Tq. Risod, Distt Washim

AND

CRIMINAL APPLICATION (ABA) NO.190/2016

Gajanan Baliram Wakode

..Versus..

The State of Maharashtra, through Police Station Officer of Police Station Risod,
through C.I.D. Section Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 11.4.2016

Heard Shri S.V. Sirpurkar, Shri D.M. Upadhye and Shri R.J.
Mirza, advocate for the applicants and Shri S.S. Doifode, A.P.P. for
the non-applicant.

The applicants, who are in service in the police department,

apprehend arrest in Crime No.190/2011. This crime was registered against the applicants Panjab Gulabrao Pawar, Sunil Maroti Kaldate, Gajanan Baliram Wakode for the offence punishable under Sections 384, 304, 217, 218, 201 read with Section 34 of the Indian Penal Code on the accusations that the victim Lalesh Padgilwar was arrested on 23rd July, 2011 and was kept in lockup and he was found dead in the lockup on 30th July, 2011, the death having been caused because of torture by the accused. The applicants Panjab Gulabrao Pawar, Sunil Maroti Kaldate and Gajanan Baliram Wakode were granted pre-arrest bail by the Sessions Court by the order dated 1st October, 2011.

The Investigation Officer charged and offence punishable under Section 302, 385 of the Indian Penal Code is added against the accused. The above named applicants, apprehending arrest for the offence punishable under Section 302, 385 of the Indian Penal Code have filed these applications praying for pre-arrest bail.

The applicant - Vijaysing Panjabrao Ghuge (Criminal Application (ABA) NO.186/2016) - and applicant Ratan Tulsiram Bawaskar (Criminal Application (ABA) No.214/2016) who are working as Police Constable are added as accused in Crime No.190/2011 and apprehending arrest they have filed applications praying for pre-arrest bail.

As recorded above, all the applicants are working in the police department. The applicants in Criminal Application (ABA) No.174/2016 and Criminal Application (ABA) No.190/2016 were granted pre-arrest bail by the Sessions Court by the order dated 1st October, 2011. It is not the complaint of the non-applicant that the applicants have misused the liberty or/and have tried to tamper with the evidence or to influence witnesses. The non-applicant has not

been able to show that the custody of the applicants is required for further investigation.

Considering the facts on the record, in my view, the interim order granted by this Court in favour of the applicants in these four applications are required to be confirmed.

Hence, the following order:

(i) In the event of arrest in Crime No.190/2011 registered by the non-applicant, the applicants - Panjab Gulabrao Pawar, Sunil Maroti Kaldate, Vijaysing Panjabrao Ghuge, Ratan Tulsiram Bawaskar and Gajanan Baliram Wakode be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only) each and two solvent sureties in the like amount for each of the applicant.

This will be in addition to the bond executed and sureties furnished by the applicants in Criminal Application (ABA) No.174/2016 and Criminal Application (ABA) No.190/2016 earlier pursuant to the order passed by the Sessions Court on 1st October, 2011.

(ii) The applications are **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.385/2016 IN CRIMINAL APPLICATION (ABA) NO.174/2016 & CRIMINAL APPLICATION (APPP) NO.453/2016 CRIMINAL APPLICATION (ABA) NO.214/2016

In view of disposal of main applications, these applications do not survive and are **disposed of** accordingly.

JUDGE