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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1593 OF 2017

Atul S. Deshmukh	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.Satyavrat Joshi for the Applicant.

Ms.Neera Shinde, APP for the Respondent.

CORAM : T.V. NALAWADE, J.
DATE : 28TH AUGUST, 2017.

P.C. :-

1. The application is filed for bail in C.R. No.332 of 2016 registered in Karad City Police Station, District Satara for the offences punishable under sections 302, 365, 386 read with 34 of I.P.C. The charge-sheet is also filed in this crime and all the papers of investigation are available for perusal. Both sides are heard.
2. The applicant is a police constable and was attached to Karad City Police Station at the relevant time. The deceased Raosaheb Jadhav was close relative of the first informant. On 17th June, 2016 at about 5:30 a.m. from the village of the deceased viz. Gote, Tahsil Karmal, District Solapur, the deceased was picked up by

the team of Karad city police station in which the present applicant was a member. The deceased and the complainant were taken to Karad City Police Station by the present applicant and his associates by saying that the deceased was wanted in a theft case as he had received the stolen property from the theft case. There are allegations against him that on the way to Karad City Police Station, the vehicle was stopped and beating was given to the deceased by the present applicant and his associates by using branches of trees. They were asking him to see that the amount of Rs.25.00 lakh is given as they wanted to extract this amount by giving threat of his involvement in the theft case as receiver of the stolen property.

3. The material collected shows that the present applicant and other police constables reached the deceased to police chowky at about 2:00 p.m. on the same day and then the deceased was taken over by two other accused like PI Mr.Dhas and API Mr.Kankadaki. The allegations are made against those two police officials that for the same reason they gave severe beating to the deceased and ultimately Mr.Raosaheb Jadhav died due to injuries sustained by him. The P.M. report shows as many as 29 injuries were found on the dead both and they had caused injury to testis and to head.

4. Learned counsel for the applicant produced on record a

copy of the bail order made by this Court in Bail Application Nos.888 of 2017 and 889 of 2017. These police constables applicants were present in the team which brought the deceased to Karad City Police Station on that day. Learned counsel submitted that the allegation as against the present applicant are similar in nature and so on the ground of parity, the applicant is entitled to get relief.

5. Learned APP submits that as the beating was given on the way to the police station, it needs to be presumed that all injuries, caused death of Mr.Raosaheb Jadhav. It can be said that the applicant was acting as per the instructions of his superior officers, though they were doing illegal act. They wanted to extract the money by giving threat of implication in the criminal case and due to that offence was committed. It can be said that it is serious offence. The applicant has been behind the bar since 27th December, 2016. In view of the circumstance that other two accused are granted bail by this Court and the case of the present applicant cannot be treated on a different footing, this Court hold that it is not desirable to keep the applicant behind the bars till the disposal of the case filed against him. In view of this, the applicant is allowed.

6. The applicant is to be released on his furnishing P.B. and S.B. of Rs.50,000/- with one or more solvent sureties. The applicant is not to tamper with prosecution witnesses. The applicant is not to

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commit similar offences, not to contact the complainant and not to visit the village of the complainant till the disposal of the case.

(T.V. NALAWADE, J.)