

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2032 OF 2017

Sudhir Subhash Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for the Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 10th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 332 of 2016 registered with Karad Police Station, District Satara under Sections 302, 365, 386 read with Section 34 of the Indian Penal Code.

2 It is the case of the prosecution that first informant namely Hiraji @ Anil Dikole and his brother-in-law namely Raosaheb Jadhav were/are accused in C.R. No. 257 of 2016 under Section 379 read with Section 34 of the Indian Penal Code registered with Karad City Police Station. That Accused No.1 API Kankadaki was investigating the said crime and during the course of said investigation, the first informant and co-accused Raosaheb Jadhav (deceased) were picked up from their village Ghote, Taluka Karmala on 17.06.2016 at about 5.30 a.m. The Applicant was a member of the said police party who had been to apprehend the first informant and the deceased. It is the prosecution's case that

while returning to Karad, the first informant and deceased Raosaheb Jadhav were transferred in an Innova Car prior to reaching to Dudhebavi Ghat at Faltan. It is alleged that Applicant assaulted Raosaheb Jadhav, twisted his fingers of left hand, pressed it and under the direction of Accused No.1 API Kankadaki demanded a sum of Rs.25,00,000/- from the deceased. It is the further case of prosecution that the accused persons assaulted the deceased and the first informant at the said Dudhebavi Ghat with sticks and branches of tree. That the deceased and the first informant were brought to Karve Naka Police Chowki on 17.06.2016 at about 9.30 a.m. and thereafter, accused No.1 Kankadaki and Police Inspector Dhus again brutally assaulted the deceased Raosaheb Jadhav. Raosaheb succumbed to the injuries in the chowki itself. In view thereof, the present crime is lodged.

3 The record indicates that, it is the allegation against the Applicant that while bringing the first informant and deceased Raosaheb back from village Ghote, Taluka Karmala to Karad in the vehicle, the Applicant assaulted deceased and demanded Rs.25,00,000/- from him under the instructions of Accused No.1. Kankadaki. It appears from the record that the Applicant thereafter, did not participate in the alleged merciless assault on deceased Raosaheb Jadhav. The record further indicates that other co-accused who were also part of the said police team namely Nitin Kadam, Sumit Mohite and Atul Deshmukh have been released on bail by this Court. It prima facie appears that apart from the aforesaid distinguishing features that, it is alleged that the Applicant under the

instructions of Senior Officer initially assaulted the deceased in the running vehicle and allegedly made demand of Rs.25,00,000/-, the role played by the Applicant is the same and/or similar with the said three accused persons who have been released on bail by this Court.

4 In view of the above, the Applicant can be released on bail.

Hence, the following order:

i) The Applicant be enlarge on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

ii) The Applicant shall attend the office of the State CID, Satara, on the first Monday of every month, between 10.00 a.m. to 11.00 a.m. till the conclusion of the trial.

iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case.

iv) The Applicant shall attend the Trial Court on every date of the hearing.

5 The Application is allowed in the aforesaid terms.

6 It is made clear that the observations made herein are prima facie and are confined to the aforesaid application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7 All concerned to act on the authenticated copy of this order.

(A.S.GADKARI, J.)