

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

BAIL APPLICATION NO.688 OF 2018

Shri. Vilas Narhari Ubale Applicant

Vs.

The State of Maharashtra Respondent

Mr. Prashant Mohan Patil i/by Mr. N.P. Hinduja for the Applicant.
Mr. S.H. Jadhav, APP for the State.
Mr. S.M. Randive, ASI Kurduwadi Police Station, Solapur Gramin

Coram : Smt. Sadhana S. Jadhav, J.

Date : 26th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP.

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 11th June 2017 in
Crime No.223 of 2017, registered at Kurduwadi Police Station for the
offences punishable under Sections 307, 332, 224, 225, 341, 353,
504 read with 34 of Indian Penal Code and Sections 4 and 25 of the

Arms Act. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 11th June 2017, API, Rajkumar Pandharinath Bhujbal lodged a report at the police station that the present applicant was a wanted accused in Crime No. 205 of 2017 registered at Barshi police station for the offences punishable under Sections 364(A), 143 and 323 of Indian Penal Code. The police had been to the house of the present applicant to arrest him. They had warned him that they had been there to arrest him. He jumped from the first floor of the building and tried to flee from the spot. The police had tried to chase him. In their attempt to arrest the present applicant, he had bitten the Mr. Sachin Pralhad Atpadkar Police Constable thereby causing bite injuries on his right knee on shin of tibia. It was simple injury. However, he is being prosecuted for the offence under Section 307 of Indian Penal Code. The applicant is in custody for more than one year.

4 Learned APP submits that the applicant has criminal antecedents. There are about 11 cases registered against him in the same police station, therefore he does not deserve to be enlarged on bail. Learned counsel for the applicant has submitted that the brother of the present applicant had lodged a report against one of the police officers posted at Barshi police station, due to which he was prosecuted under the provisions of Prevention of Corruption Act, 1988. The Officer is present in the Court. Learned APP has verified the same. Learned counsel for the applicant submits that the said report was lodged in the year 2012. It is seen from the police report that since 2012, the applicant is being prosecuted for the offences punishable under Sections 379 as well as action is taken against him under the Detention Act. It is also being prosecuted under the Bombay Police Act and other offences.

5 Taking into consideration the papers of investigation and the submissions advanced across the bar, coupled with the fact that the applicant is in custody for more than 1 year for the offences

punishable under Section 307 of Indian Penal Code, this Court is inclined to enlarge him on bail.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall not reside in Solapur District except for attending the trial.

(*Smt. Sadhana S. Jadhav, J*)