

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 BAIL APPLICATION NO.1183 OF 2020

SAMADHAN RAVINDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. L. Choudhari
APP for Respondents: Mrs. D.S. Jape
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CORAM : V. K. JADHAV, J.
DATED : 21st OCTOBER, 2020

PER COURT:-

1. The applicant is seeking bail in connection with crime No. 72 of 2020 registered with Sindhkheda police station, District Dhule for the offences punishable under Sections 353, 395, 379, 332, 341, 143, 147, 145, 323, 504, 506, 188, 269, 270 of I.P.C. and under Section K-2, 3 and 4 of Epidemic Disease Act, 1897 with Section K-11 of Prevention of Pandemic Act Covid-19 and Section 37 (1) (3) and 135 of Maharashtra Police Act and Section 7 of Criminal Law Amendment Act, 1951 r.w. Section 48 of Maharashtra Land Revenue Code, 1966. His Criminal bail application bearing No. 813 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge-3, Dhule vide order dated 18.09.2020.

2. Learned counsel for the applicant submits that the applicant came to be arrested in connection with the present crime on 6.9.2020. Investigation is almost over for all practical purposes and the formality of filing charge sheet is only remained. Learned counsel submits that the

name of the applicant is not mentioned in the F.I.R. nor any overt act on his part has been revealed during the course of investigation. The applicant is the driver and the allegations have been made mainly against co-accused Kishor Mahadu Patil and Sharad Mahadu Patil. The case pertains to illegal excavation of Murum. There is no criminal history. The applicant has a fixed place of residence and he is ready to abide the conditions, if any imposed by this Court. The applicant is also ready to extend co-operation for carrying out further investigation into the crime. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that the applicant is not driver but he is Manager of Hotel Hirkani, which is owned by co-accused Kishor Mahadu Patil and Sharad Mahadu Patil. It has been specifically alleged in the complaint that those tractors loaded with Murum excavated illegally, unloaded in the premises of said Hirkani Hotel. Learned A.P.P. submits that investigation is still going on. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of investigation papers, it appears that name of the applicant is not mentioned in the F.I.R. nor any overt act on his part has been revealed during the course of investigation. Even assuming that the applicant was Manager of said Hotel Hirkani, however, no allegations have been made in the complaint against the applicant as the Manager of the Hotel involved in the crime nor it has been revealed during the

course of investigation that the Manager of the said Hotel is involved in the crime. There is no criminal history. The applicant is in jail since 6.9.2020. Thus, by imposing certain conditions, I am inclined to release the applicant on bail. Hence the following order:-

O R D E R

- I. Application is hereby allowed.
- II. The applicant Samadhan Ravindra Patil, in connection with crime No. 72 of 2020 registered with Sindhkheda police station, District Dhule for the offences punishable under Sections 353, 395, 379, 332, 341, 143, 147, 145, 323, 504, 506, 188, 269, 270 of I.P.C. and under Section K-2, 3 and 4 of Epidemic Disease Act, 1897 with Section K-11 of Prevention of Pandemic Act Covid-19 and Section 37 (1) (3) and 135 of Maharashtra Police Act and Section 7 of Criminal Law Amendment Act, 1951 r.w. Section 48 of Maharashtra Land Revenue Code, 1966 be released on bail on furnishing personal bond of Rs.5,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 a.m. to 11.00 a.m. till filing of charge sheet.
- III. Application is disposed of.

(V. K. JADHAV, J.)