

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 BAIL APPLICATION NO.1312 OF 2020

SAGAR @ KAMLAKAR SUBHASH PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Pawar Hemantkumar F.
APP for Respondent : Mr. N T Bhagat

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CORAM : V.K. JADHAV, J.
Dated: December 16, 2020

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PER COURT :-

1. The applicant is seeking regular bail in connection with crime No.81 of 2020 registered with Jilha Peth police station, Jalgaon, District Jalgaon for the offences punishable under Sections 307, 353, 120(B), 224, 225, 201 of IPC and section 3/25 of the Arms Act. His application bearing bail application No.728 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Jalgaon vide order dated 14.10.2020.

2. Learned counsel for the applicant submits that investigation is over and charge-sheet has been

submitted. The applicant is in jail in connection with the present crime since 23.9.2020. Learned counsel submits that co-accused nos.1 to 3, who are the under trial prisoners had escaped from the jail threatening the informant prisoner guard on the point of gun. Learned counsel submits that name of the applicant is not mentioned in the FIR nor the applicant was the prisoner at the relevant time. It has been revealed during the course of the investigation that the present applicant had purchased one Sim card in the name of one co-accused Nagesh Pingale and further through said co-accused Nagesh Pingale sent the said sim card to co-accused No.1 Sagar Sanjay Patil and no.2 Gourav Vijay Patil. Learned counsel submits that except the statement of co-accused Nagesh while drawing the panchnama under section 27 of the Evidence Act, which is not admissible, there is no other evidence connecting the applicant with the alleged crime. There is no criminal history. The applicant is ready to abide the conditions, if imposed by this Court while enlarging him on bail. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that offence is serious and though name of the applicant is not mentioned in the FIR, however, it has been revealed during the course of the investigation that the applicant has actively helped the main co-accused nos.1 to 3, who were the under trial prisoners to facilitate their escape from the jail. Learned APP submits that co-accused nos.1 to 3 put gun on the head of the informant, took out the keys of the main gate and fled away from the jail. Learned APP submits that co-accused no.4 Jagdish Patil was waiting for them on his motorbike and he has facilitated their escape as soon as they came out from the jail. Learned APP submits that present applicant has provided the sim card to co-accused nos.1 to 3 in jail through co-accused Nagesh Pingale to facilitate their escape from jail. Co-accused nos.1 to 3 by using the said sim card have established the contacts with the persons out side of the jail and managed the things to escape from the jail. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that name of the applicant is not mentioned in the FIR. However, it has been revealed during the course of the investigation that the present applicant has provided the sim card to co-accused nos.1 to 3 through co-accused no.6 Nagesh Pingale, however, there is no connecting evidence against the applicant in this regard. Except the statement of co-accused Nagesh Pingale while drawing the panchanama under section 27 of the Evidence Act, which is not admissible, there is no further connecting evidence against the applicant. There is no criminal history. The applicant is having his roots in the society, easily available for trial. I am thus inclined to release the applicant on bail with certain conditions. Hence, following order :-

ORDER

- I. Application is hereby allowed.
- II. The applicant SAGAR @ KAMLAKAR SUBHASH PATIL in connection with crime No.81 of 2020

registered with Jilha Peth police station, Jalgaon, District Jalgaon for the offences punishable under Sections 307, 353, 120(B), 224, 225, 201 of IPC and under section 3/25 of the Arms Act be released on bail on furnishing personal bond of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence in any manner.

III. Application is disposed of.

(V.K. JADHAV, J.)

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