

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

CRIMINAL APPLICATION NO.857 OF 2015
IN
CRIMINAL APPEAL NO.717 OF 2014

SHAIKH RAJU @ RAJU JAHANGIRDAR
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO.13 OF 2021
IN
CRIMINAL APPEAL NO.717 OF 2014

THE STATE OF MAHARASHTRA
-VERSUS-
SHAIKH RAJU @ RAJU JAHAGIRDAR

...
Advocate for the Applicant in 857/2015: Shri H.D. Deshmukh
APP for the Applicant in 13/2021 : Shri S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 05th January, 2021

Per Court :-

(a) Criminal Application No.13/2021:-

1. Insofar as the second Criminal Application No.13/2021 is concerned, we have gone through the averments set out in the application filed by Shri Machhindra Tukaram Surwase, Police Inspector, Station House Officer, Police Station, Gangapur. We have also perused our order

dated 18.12.2020 wherein, we had gathered an impression that the said Police Officer reached belatedly to the Court and was not available when the matter was called out twice, on account of his laxity. The order of depositing an amount of Rs.10,000/- has been complied with.

2. In the above backdrop, we have perused the averments of the said Police Officer in the above stated application. The learned Prosecutor solemnly submits that the said Police Officer has been awarded with 363 rewards, 16 appreciation certificates and has been continuously recommended for three years for the Director General of Police “Insignia Award”, which is the highest award in the Police Department. He submits that it was purely a stroke of misfortune that though the said Police Officer started from Gangapur around 09:30 AM anticipating that he would reach the High Court within one hour, his assessment went wrong on account of traffic congestion/ bottle necks at Bajaj Vihar Signal point, Print Travel/ Baba Petrol Pump Signal point and Akashwani signal point. There was an unusual time lag and as a consequence, he reached at about 11:15 to 11:30 AM. It is, therefore, prayed that the observations made by this Court that he has not acted responsibly, may be withdrawn.

3. We have also heard the learned advocate for the original appellant.

4. Considering the above, we accept the explanation and apology of Shri Surwase. We clarify that we had not made any

observations, much less passed strictures against the said Police Officer Shri Surwase in our order dated 18.12.2020 and considering his explanation, we do not intend to make any observation with regard to his late coming to the Court. We are, therefore, inclined to return the amount of Rs.10,000/- to the said Police Officer.

5. The learned Prosecutor submits, on instructions, that Shri Surwase does not desire to withdraw the said amount as this Court intended to use it for the treatment of the Covid-19 patients and the said amount may be put to such use.

6. With the above observations, Criminal Application No.13/2021 is disposed off.

(b) Criminal Application No.857/2015:-

7. Insofar as the first Criminal Application No.857/2015 is concerned, the learned advocate for the applicant submits, on instructions from the latter who is present in the Court, that he has no hesitation with marking his attendance with the Gangapur Police Station on every Wednesday in each week in between 01:00 PM to 03:00 PM and he will not falter on this statement. He further submits that since his attendance was not being recorded by the then Police Authorities, he had moved this criminal application in 2015. Since it got tagged with interlocutory applications of other convicts, this application simply got dragged along

and no hearing took place.

8. In view of the above, this Criminal Application No.857/2015 is disposed off by imposing the following conditions :-

(a) The applicant shall mark his attendance with the Gangapur Police Station on every Wednesday in between 01:00 PM to 03:00 PM, without fail.

(b) A single absence would be a cause for cancellation of the bail.

(c) He will continue to mark his attendance until Criminal Appeal No.717/2014 is decided.

(d) All other conditions set out in the bail order dated 29.01.2015, shall continue to apply.

(e) Needless to state, if the applicant intends to leave the jurisdiction of the Gangapur Police Station and/or enter Newasa taluka, he shall not be permitted to do so without the written permission of the Station House Officer of the Gangapur Police Station.