

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

BAIL APPLICATION NO.662 OF 2021

Somnath s/o Abhangrao Parve Patil ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Ms Poonam V. Bodke Patil, Advocate for applicant
Mr. B.V. Virdhe, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 6th September, 2021

ORDER :

The applicant herein seeks bail, mainly on the ground of parity and delay in commencement of trial. He has been in jail since 9/8/2017 in connection with Crime No.27/2016, registered at Police Station, Mandavi, Taluka Kinwat, District Nanded for the offences punishable under Sections 167, 171, 193, 197, 198, 201, 203, 213, 214, 218, 221, 420, 419, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and Sections 13(1)(a), 13(1)(d), 13(2) and 8 of the Prevention of Corruption Act.

2. Heard learned counsel for the applicant and learned A.P.P. for the respondent – State. Perused the application and the related papers relied on. The learned A.P.P. urged for rejection of the application on the ground that the application is silent to ask for bail on the ground of parity. According to him, the applicant has been refused bail on merits of the case. The applicant is Assistant Police Inspector. On his release on bail, there is every possibility of the applicant influencing the witnesses to be examined in the case.

3. Ms Poonam Bodke Patil, learned counsel for the applicant would submit that, the accused No.1 has been granted bail by the Hon'ble Supreme Court. The role played by the present applicant in the alleged offences is lesser than the one who has been granted bail. According to her, grant of bail to the accused No.1 is an event subsequent to the filing of the present application and, therefore, she could not incorporate the said ground in the application. According to her, the applicant has been behind bars for little over four years. Charge has not yet been framed. The offences are in fact been triable by a Court of Judicial Magistrate, First Class. She, therefore, urged for grant of the application.

4. True, the applicant has been refused bail on merits of the case. The applicant was serving as Assistant Police Inspector before he came to be arrested for the crime in question. It is the case of the prosecution that the informant was unemployed. He was preparing for examinations conducted by Union/ State Public Service Commission. The informant found that the accused No.1 would indulge in malpractices at examinations. He further learnt that one Sachin Datta Shrimanwar had secured a job in Social Welfare Department by indulging in such activities with the assistance of accused No.1. The informant, therefore, lodged the report, based on which the crime came to be registered for the offences stated hereinabove. During investigation, it was transpired that the applicant herein had committed cheating by impersonation. He appeared for two examinations as a dummy candidate in place of real one. He, therefore, came to be arrested. It is true that the applicant a police officer, indulged in criminal activities.

5. It has been little over four years since the arrest of the applicant. Accused No.1 and 31 co-accused have been released on bail. Investigation of the crime was over. The

charge sheet has been filed. Charge has, however, not been framed. It is not known as to when the trial would commence, particularly in pandemic Covid-19 situation. Even if the applicant is granted bail, there is no likelihood of he being reinstated in service. The accused No.1 was necessarily a mastermind. He has now been on bail. On the ground of parity and delay in commencement of the trial, I am inclined to grant bail to the applicant. Hence the order :-

ORDER

- (i) The application is allowed.

- (ii) The applicant be released on bail in connection with Crime No.27/2016, registered at Police Station, Mandavi, Taluka Kinwat, District Nanded for the offences punishable under Sections 167, 171, 193, 197, 198, 201, 203, 213, 214, 218, 221, 420, 419, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and Sections 13(1)(a), 13(1)(d), 13(2) and 8 of the Prevention of Corruption Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) Bail before the trial Court.

**(R. G. AVACHAT)
JUDGE**

fmp/-