

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

29 BAIL APPLICATION NO.965 OF 2021

1. RAJENDRA RAMKARAN PAL
2. GANESH LAXMANRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Abhaykumar Ostwal h/f. Tripathi Manish P
APP for Respondents/State : Mr. A.V. Deshmukh

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CORAM : M.G. SEWLIKAR, J.
DATE : 20th September, 2021

PC.:-

Heard.

2. Prosecution case is that applicant is the Sub-Divisional Police Officer, Selu and applicant no.2 is the Police Naik working in the Sub-Divisional Office, Selu.

3. It is alleged that Crime No.120/2021 was registered at Police Station Selu under Section 304-A, 279, 427 of the I.P.C. alleging that the deceased Suresh Karva died accidental death. One audio clip went viral in Selu town. From the said viral clip it was revealed that one Rahul Kasat was the mastermind behind the killing of Suresh Karva. This viral clip was between wife of Suresh Karva and Rahul Kasat. It is further alleged that to prevent arrest of Rahul Kasat applicant demanded Rupees One Crore from

Rahul Kasat. Since Rahul Kasat was not prepared to pay Rupees One Crore, he lodged the complaint with the Anti Corruption Bureau (for short ACB). After lodging of the complaint, for verification the complainant was sent along with the two panchas. At that time it was agreed to pay Rupees Ten Lakhs by the said Rahul Kasat to the applicant no.1. Accordingly, trap was laid. On instructions of applicant no.1, amount was paid to applicant no.2. Soon after acceptance of the amount, applicant no.2 was apprehended. Cash of Rupees Ten Lakhs was found with the applicant no.2. After completion of usual formalities, FIR came to be lodged against the applicants. Before lodging of the FIR applicant no.1 was also arrested on 24.07.2021.

4. Learned counsel Shri Ostwal h/f. Shri Tripathi submits that the applicant no.1 has been framed in this offence. He submits that the station diary entries show that applicant no.1 had taken Rahul Kasat in custody before preparing the arrest panchanama. He was referred for medical examination. He submits that station diary bears testimony to these events. He further submits that Rahul Kasat was taken in custody on 21.07.2021. He further submits that for recording statement of Rahul Kasat, ACP of the Bureau had summoned him. Therefore, Rahul Kasat appeared before the ACP and from there he ran away and did not return. He submits that all these events clearly go to show that the applicant no.1 had apprehended Rahul Kasat much before the arrest of applicant no.1. He submits that if at all the

applicant no.1 had made a demand of Rupees One Crore he would not have taken Rahul Kasat in custody and referred him to medical examination. He submits that all these events clearly go to show that applicants have been falsely implicated by Rahul Kasat just to avoid his arrest in Crime No. 120/2021.

5. Learned APP Shri Deshmukh submits that applicant no.1. is a Deputy Superintendent of Jail. Cash of Rs.24,84,000/- was recovered from his house by Bureau. He submits that instead of arresting Rahul Kasat, he indulged in corruption and demanded Rupees One Crore so as to prevent the arrest of the said Rahul Kasat. He submits that offence is serious in nature and therefore application was rightly rejected by the learned Special Judge.

6. On perusal of the papers, it is seen that the applicant no.1 got the information that the complainant-Rahul Kasat is involved in the death of Suresh Karva. Applicant no.1 had heard the conversation between the widow of the said Suresh Karva and the complainant through the viral clip. The said viral clip is not produced. It is also not known whether the said viral clip was collected by the prosecution during the investigation. It is further seen that investigation is almost complete. Offence is punishable with imprisonment for seven years. Applicants are government servants. They are not likely to flee from justice. They have permanent residence and will be available for trial.

Having regard to the quantum of sentence, the applicants are entitled to be released on bail. In view of this, following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rupees Five Lakhs each with one solvent surety in the like amount each, in connection with Crime No.233 of 2021 under Section 7 of Prevention of Corruption Act registered with Selu Police Station, District Parbhani and on condition that they shall not leave the jurisdiction of the concerned Court without its prior permission.
- III) They shall hand over their passport, if any to the concerned Court which shall be kept in safe custody. The applicants shall report to the concerned police station on every Monday and Friday between 12.00 and 4.00 pm till the filing of the charge-sheet.
- IV) The applicants shall not in any way tamper the evidence of the prosecution and shall make themselves available for investigation as and when required by the Investigating officer.
- V) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]