

C.RIMINAL BAIL APPLICATION NO. 2629 OF 2021

1. Raja Ranu Adivashi
2. Dadda Ranu Adivashi
Versus
The State of Maharashtra

...Applicants

...Respondent

Mr. A. A. Palkar, A.P.P for the Respondent–State

API Mr. Ajay Gorad from Umbraj Police Station is present

FRIDAY, 1st OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek their enlargement on
bail in connection with C.R. No. 95/2021 registered with the Umbraj Police
Station, Satara, for the alleged offence punishable under Section 5 of the
Explosive Substance Act.

3 Perused the papers. According to the complainant-Pravin Jadhav, PSI attached to the Umbraj Police Station, whilst investigating C.R. No. 93/2021, which had taken place in the vicinity of the Umbraj Police Station, they noticed the presence of the applicants and others. As their activities were allegedly suspicious, personal search of the applicants was taken on 27th February 2021 between 12:30 to 1:00 p.m. In the search, 30 country-made bombs were found in possession of the applicant No. 1. The said bombs were seized and the bomb detection and destruction squad from Satara was summoned.

4 It is mentioned in the complaint itself that the accused allegedly disclosed that the said country-made bombs were meant to kill the pigs, however, since they did not have license, an FIR was lodged as against the applicants and others.

5 Learned counsel for the applicants submits that the applicants have been falsely implicated by the police of the Umbraj Police Station, and that there is absolutely no material to connect them with the alleged offence. He submits that on the face of it, all the three cases i.e. C.R No. 93/2021, C.R No. 94/2021 and the present C.R No. 95/2021 have been

falsely foisted on the applicants, even to the knowledge of the police. He submits that the first C.R i.e. C.R No. 93/2021 was registered for an incident which took place on 26th February 2021 at 9:45 p.m; thereafter, C.R No. 94/2021 was registered for an incident, which allegedly took place on 26th February 2021 at around 8:30 p.m and the present C.R No. 95/2021 for an incident, which took place at around 12:30 p.m to 1:00 p.m, on 27th February 2021. He submits that the first and the third FIR was lodged by the police and the second was lodged by a 21 year old boy, who was allegedly assaulted by the applicants and from whom Rs. 12,000/- was stolen. He submits that the injury certificates of the complainant, aged 21 years in C.R. No. 94/2021 alongwith his 2 friends clearly reveal that they had not sustained any injury on their person, despite being assaulted by a wooden log and iron bar. Learned counsel for the applicant states that the applicants had all come from Madhya Pradesh just 3-4 days prior, for seeking a job. He submits that the aforesaid C.Rs were lodged serially only to falsely implicate the applicants, though they were not in any way responsible or connected with the aforesaid cases nor involved in the same. He submits that it is highly improbable that all the three incidents took place one after the other, i.e. in the first case i.e. C.R No. 93/2021, there are allegations that they have assaulted the complainant i.e. the police constable; in the second incident i.e. C.R No. 94/2021, they assaulted the

complainant therein and took away an amount of Rs. 12,000/-, and in the third case i.e. C.R No.95/2021, the applicants were carrying explosive substances. He further submits that in the present C.R, the complainant himself has stated that the said bombs were supposed to be used for killing pigs, and as such, the said case also appears to be highly improbable. Investigation is complete and charge-sheet is filed.

6 *Prima facie*, there appears to be some substance in the submissions advanced by the learned counsel for the applicants. However, without expressing any opinion, in the peculiar facts of these cases, it would be appropriate to direct the Superintendent of Police, Satara City to conduct an inquiry into all the 3 FIRs/C.R Nos. 93/2021, 94/2021 and 95/2021 registered with the Umbraj Police Station, Satara as against the concerned police. It is expected that the inquiry would be conducted fairly, after hearing all sides, including the applicants. Thereafter, the report be placed before this Court in a sealed envelope within 8 weeks from today. The Superintendent of Police to also record the statements of the applicants as well as the concerned Investigating Officer and others, as the Superintendent of Police, may so deem fit, in the said inquiry.

7 Having regard to the peculiar facts, further detention of the

applicants is not warranted. Accordingly, the application is allowed and the applicants are enlarged on bail, on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on cash bail in the sum of Rs. 5,000/- each;
- (ii) The applicants shall not leave the jurisdiction of the Satara District, atleast for a period of three months from the date of their release;
- (iii) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;
- (v) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8 The application is accordingly disposed of in the aforesaid terms.

9 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10 Learned A.P.P to forthwith communicate the order to the Superintendent of Police, Satara City, so as to enable him to conduct an inquiry in respect of all the 3 C.Rs and submit his report as directed in Clause (6) above.

11 To be listed for reporting compliance on 26th November 2021.

12 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.