

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 925 OF 2021

(Kailas Mahadeo Satao and another ..vs.. State of Maharashtra, through PSO, PS Nandura)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhijit Deshpande, Counsel for the applicants,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State,
Mr. A.J. Thakkar, Counsel for the complainant.

CORAM : ROHIT B. DEO, J.

DATED : 22-09-2021

The applicants-Kailas Satao and Vishal @ Amol Satao, who are arrested on 30-7-2021 in connection with Crime 390/2021 registered with the Nandura Police Station, for offences punishable under Sections 143, 147, 148, 149, 294, 323, 324, 395, 427, 504 and 506 of the Indian Penal Code, on the basis of report lodged by Dnyaneshwar Janardhan Gond, are seeking bail, having unsuccessfully attempted to secure bail from the learned Sessions Judge, Malkapur.

2. I have heard the learned Counsel Mr. Abhijit Deshpande for the applicants, the learned Additional Public Prosecutor Mr. N.R. Rode for the non-applicant/State and the learned Counsel Mr. A. Thakkar was permitted to assist the prosecution.

3. The investigation is ongoing and the charge-sheet is not filed, as yet. I have, therefore, perused the

material in the case diary.

4. The case of the prosecution is that three months prior to the incident the informant entered into an agreement with Kailas Satao to sell agricultural land admeasuring 3 acres for Rs.33,00,000/- (Rupees Thirty Three Lac), and received Rs.2,00,000/- (Rupees Two Lac) as earnest amount. Kailas Satao expressed disinclination to go ahead with the sale and conveyed to the informant that he knows a prospective purchaser to whom the agricultural land can be sold and the earnest amount refunded. Kailas Satao asked the informant to come to village Lonwadi. The informant reached village Lonwadi by his Swift Car and then the duo proceeded towards the Khadadgaon road, and on the way Kailas Satao started abusing the informant. At the scene of occurrence, Kailas Satao met one person by name Chavan and then Amol Satao and four others arrived at the scene. The informant was assaulted with fists and stick. The car keys were snatched by Amol, who also removed cash amount of Rs.7,000/- (Rupees Seven Thousand) from the shirt pocket of the informant. Amol Satao then damaged the informant's mobile and the car and threatened to cause severe physical harm if the informant does not repay the amount.

5. It is the case of the prosecution that the informant went to the police station to report the incident and, was

pressurised by the police officer to settle the dispute amicably. According to the informant, the police officer called Kailas Satao in the police station and in the presence of Sudhakar Wakode and Ramcharan, who accompanied the informant, threatened to arrest the informant. The informant approached the Superintendent of Police, Buldhana on 08-7-2021 and lodged complaint, *inter alia* narrating the pressurise tactics adopted by the police officer. The Superintendent of Police, Buldhana directed the concerned police officer to register the offence and left with no option, the police officer registered the first information report on 17-7-2021 falsely referring an amicable settlement. Despite the registration of the first information report, the police station officer did not arrest the applicants, although their whereabouts were well known. The informant again approached the Superintendent of Police, who found truth in the complaint and removed the concerned police officer as the Investigating Officer.

6. As noted supra, the investigation is ongoing and it would not be appropriate to make an elaborate reference to the material in the case diary which I have perused. Suffice it to state, that there is formidable material on record to arrive at two *prima facie* findings. The first *prima facie* finding is that the applicants are involved in the crime and the second *prima facie* finding is that the applicants appear to be influential persons who have, to

a certain extent, succeeded in pulling appropriate strings. The version of the informant is *prima facie* substantiated by the injury certificate issued by the Medical Officer of the Primary Health Centre on the very day of the incident, which notes as many as seven injuries. The applicants are, therefore, not entitled to bail, at least, at this stage.

7. The learned Additional Public Prosecutor Mr. N.R. Rode has invited my attention to the criminal antecedents of applicant 1-Kailas Satao who has faced as many as four earlier prosecutions. While Kailas Satao is acquitted in two trials, two prosecutions are pending. The submission of the learned Counsel Mr. Abhijit Deshpande for the applicants that applicant 1-Kailas Satao is entitled to bail since he suffers 40% locomotor disability, does not impress this Court. As noted supra, even with the alleged locomotor disability, Kailas Satao has exhibited propensity to indulge in criminal activities.

8. Considering the material on record, the criminal antecedents of Kailas Satao, that the stolen property will have to be recovered and the investigation is ongoing, no case is made out for exercise of discretion.

9. The application is dismissed.

JUDGE