

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

BAIL APPLICATION NO. 1215 OF 2022

Golu @ Lakhan S/o Dilip Marathe	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. A. K. Bhosle, Advocate for applicant	
Mr. N. T. Bhagat, APP for respondent	
....	

CORAM : R. G. AVACHAT, J.

DATED : 21st SEPTEMBER, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0465/2019, registered at M.I.D.C. Police Station, Jalgaon, District Jalgaon, for the offences punishable under Sections 364, 365, 109, 294, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged on 14.06.2019, alleging therein that the informant along with his friends was present in front of 'Riga' apartment, Tukaramwadi, Jalgaon. It was 9.40 p.m. on 13.06.2019. Chetan @ Chingya Alande and Golu @ Lakhan (accused Nos. 1 and applicant herein), came there in one car. They were accompanied by one unknown person. The trio, got down from the car. Chetan questioned the informant as to why did he dare to be there. He also told the informant that his parents-in-law stay/reside in Riga apartment. He started abusing and beating the informant. Lakhan (applicant herein) too joined him in beating the informant. The companions of the informant fled. Both, Chetan and Lakhan (applicant herein) forcibly made the informant sit in the car. They, then took him to Swatantra Chowk, On way, both, Chetan and Lakhan, and one unknown person beat up the informant. The informant realised that the third person accompanying Chetan and Lakhan was a Policeman. He was known as "Baba". Then, they took the informant near to a godown in the campus of sub-jail. They made the informant alight from the car and gave threat to his life if he disclose the incidence to anyone. It was about 1.00 a.m. on 14.06.2019. Those three went towards the sub-jail. One unknown person came and took away the car.

4. The informant gave a supplementary statement on 16.06.2019, stating therein when he was taken to Swatantra Chowk, a person in Police uniform had come and gave something to Chetan. One another person had also come on a motorbike. He gave Chetan a liquor bottle and a glass.

The informant again gave a statement on 17.06.2019, stating therein that those two persons were Police Head Constables Mukesh Ananda Patil and Gorakh Himmatrao Patil.

5. The gist of the prosecution case is that Chetan and Lakhan (accused Nos. 1 and applicant herein) were confined in sub-jail. On the given day, they were taken out of the jail for being produced before a Court of Session. Gorakh Patil and Mukesh Patil, both were on duty to escort them to and fro the Court. One another Constable namely, Suresh Sapkale was also on the same duty. As such, Gorakh was expected to bring back both Chetan and Lakhan (Applicant) to sub-jail after the Court work was over. They, however, allowed Chetan and Lakhan to roam in the city and commit offence.

6. Learned Advocate for the applicant would submit that the informant has criminal antecedents. False FIR has been lodged in

view of enmity between the informant and accused Nos. 1 and the present applicant. It will take time for commence and conclusion of the trial. He, therefore, urged for grant of bail.

7. Learned APP would on the other hand, submit that the persons in uniform have committed serious offence. He urged for rejection of the application.

8. The informant is reported to have criminal antecedents. The accused Chetan and Lakhan (Applicant) were in sub-jail. The informant herein gave a statement that one, who had accompanied accused Nos. 1 and the preset applicant and the other, who had supplied accused No.1 a liquor bottle and a glass, would not be identified. The test identification parade was conducted.

9. On investigation, the charge-sheet has been filed. The applicant has been behind the bars for little over three years and three months. Considering the nature of offence and the fact that the applicant has been behind the bars for little over three years and three months, the application is allowed in terms of following order:

ORDER

(i) The Bail Application is allowed.

- (ii) The applicant be released on bail in connection with Crime No.0465/2019, registered at M.I.D.C. Police Station, Jalgaon, District Jalgaon, for the offences punishable under Sections 364, 365, 109, 294, 323, 504, 506 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with surety bond of the like amount.
- (iii) The applicant shall attend the concerned police station once a week i.e. on every Sunday between 11.00 a.m. and 12.00 noon, until conclusion of trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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