

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

BAIL APPLICATION NO.1404 OF 2022

Ravindra s/o Balaji Kale

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Rajendrraa Deshmukkh, Senior Counsel with
Mr. M.B. Kolpe, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State, assisted by
Mr. R.B. Wankhede, Advocate holding for
Mr. S.P. Urgunde, Advocate for original complainant
.....

WITH

BAIL APPLICATION NO.1406 OF 2022

1. Vilas Bajirao Maske

2. Akash s/o Vilas Maske

... APPLICANTS

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Rajendrraa Deshmukkh, Senior Counsel with
Mr. M.B. Kolpe, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State, assisted by
Mr. R.B. Wankhede, Advocate holding for
Mr. S.P. Urgunde, Advocate for original complainant
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th SEPTEMBER, 2022.

ORDER :

Heard. Both these applications for bail under Section 439 of the Code of Criminal Procedure are taken together as they arise from one and the same Crime No.454/2022, registered at Vivekanand Chowk Police station, District Latur for the offence punishable under Sections 326, 367, 395, 397 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by a practicing Advocate on 10/8/2022. The applicants in Bail Application No.1406/2022 are father-in-law and son-in-law of the informant respectively. The informant married Kiran, daughter of applicant Vilas in July 2018. Vilas started asking the informant to pay him a sum of Rs.2,00,000/- for opening of a Dhaba (roadside eatery). Both Vilas and Akash had pelted stones on the informant's office in November 2018. The informant had paid Vilas a sum of Rs.2,00,000/- to satisfy his demand. The informant's wife was not properly cohabiting with him. It is also the case of the informant that, his wife and her father have illicit relations inter-se. He had seen both of them in somewhat

compromising position. He had even taken video clip thereof. The informant's wife would occasionally stay with him.

3. It is also the case of the informant that, on 9/8/2022, he had received a sum of Rs.80,000/- from his two clients. He had been to "Hotel Jaika" for dinner on that day. After the dinner, his client took him to a Pan Stall near Hotel Gangotri. Both the applicants, accompanied by four unknown persons, one of them is the applicant in Bail Application No.1404/2022, came together. Akash thrown chilly powder on the face of the informant. Unknown persons were armed with hockey sticks. All of them beat the informant up. The informant was made to sit in an Alto Car. He feigned to have become unconscious. He heard one of them talking with the informant's wife on cell phone and asking for password of the informant's cell phone. At the instance of one Sagave, the applicants took the informant towards Vivekanand Chowk Police Station. The informant was undressed. He was robbed of Rs.84,000/- and wrist watch. It is further his case that, the applicants and co-accused threw him naked outside Vivekanand Chowk Police Station. He, therefore, lodged the F.I.R.

4. Learned Senior Counsel for the applicants would

submit that, the averments in the F.I.R. themselves would speak to suggest a false and concocted F.I.R. has been lodged. Applicants Vilas and Akash are financially sound. They run two Hotels. All is not well between the informant and his wife. The informant has extra-marital relationship with one of his lady juniors. Photographs have been placed on record in support of the same. It is also submitted that, the informant has close relations with Police Inspector of Vivekanand Chowk Police Station. The Police Inspector has joined hands with the informant and registered the crime. Photographs of the informant along with Police Inspector have also been placed on record. It is also brought to the notice of this Court that, the complaint sought to be registered against the informant was not taken cognizance of by the concerned Police Station Officer. The learned Senior Counsel urged for grant of the Bail Applications.

5. The learned A.P.P. and learned counsel for the complainant would, on the other hand, submit that, it is a serious offence. Investigation is under-way. They, therefore, urged for rejection of the Bail Applications.

6. Perused the F.I.R. and relevant police papers. The informant is a practicing Advocate. The averments in the

F.I.R. referred to hereinabove indicate that a minor incident, if any, appears to have been blown out of proportion. It also appears that, wild and baseless allegations have been levelled by the informant against his wife and father-in-law. On the contrary, there is material to indicate the informant to have some relationship with his lady junior. The Police Inspector of the concerned Police Station is friend of the informant. The photographs are on record to indicate the same. The applicants have, therefore, every reason to contend that the informant made out a false case of the incident having taken place within the limits of the concerned Police Station. The applicants have every reason to submit that the concerned police officer is not true to his job. He went out of his way to help out the friend, the informant. It is hoped that the Superintendent of Police would take cognizance thereof. This Court does not propose to give elaborate reasons. Suffice it to say that, from the averments in the F.I.R. and the facts brought to the notice of this Court, this Court has reason to believe the informant to have lodged a false F.I.R. i.e. in respect of some of the offences such as robbery, kidnapping, having been undressed and then thrown out of a moving car. The applicants have been behind the bars for little over one month. They need to be released on bail immediately. Hence

the order :-

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No.454/2022, registered at Vivekanand Chowk Police Station, District Latur for the offence punishable under Sections 326, 367, 395, 397 of the Indian Penal Code, on their executing P.R. bonds in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one or two sureties in the like amount by each of them.
- (iii) The applicants shall not enter Mantri Nagar Area of Latur till conclusion of the trial.
- (iv) The applicants shall not tamper with the prosecution evidence.

(R. G. AVACHAT, J.)

fmp/-