

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2308 OF 2022

Rajkumar Bhimashankar Koli
Age 37 years, Occ: service,
R/o At -Police Complex Karvenaka,
Buliding No.5, Rook no.5,
Shanivarpeth Karad,
(At present Satara District Prison,
Satara) ... Applicant.

Versus

The State of Maharashtra
(At the instance of PI Karad City
Police Station, Satara) Respondent.

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Mr Aniket Nikam, Advocate a/w Advocate Piyush Toshnival i/b
Advocate Amit Icham, for the Applicant.

Mr V.B. Konde Deshmukh, APP for the State.

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CORAM : R. N.LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard learned Counsel for the parties.

2. By this application, the Applicant is seeking bail in
connection with C.R.No.332 of 2016 registered at Karad City

Police Station, Karad, District-Satara, against the Applicant and other accused for the offences punishable under Sections 302, 365, 386, 324, 323, 506, 174-A r/w 34 of the Indian Penal Code, 1860.

3. It is the case of the prosecution that the informant and his brother-in-law Raosaheb Jadhav (since deceased) were picked up by the Applicant and the other police staff attached to the Karad City Police Station on 17.6.2016 in connection with the theft case. They were brought and detained at Karve Naka Police Chowky from 17.6.2016 to 18.6.2016, during which the Applicant and the other co-accused police officers, assaulted Raosaheb Jadhav with sticks and fists and kick blows after making a demand of Rs.25,00,000/-. As a result of the injuries sustained, Raosaheb Jadhav died on 18.6.2016. The post-mortem report shows the immediate cause of death as “head injury with blunt trauma to the abdomen and the left testis.” The probable time of death is shown as 4.15 p.m. on 18.6.2016 at Sahyadri Hospital, Karad.

4. Mr Aniket Nikam, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant is not involved in the incident of assault on the deceased. It is submitted that the Applicant was arrested on 27.12.2016 and has completed about six years of imprisonment. It is submitted that

the charges are framed only on 4.11.2022. There appear to be more than 200 witnesses. It is submitted that the co-accused, who had played a more significant role than the Applicant, has been enlarged on bail by the Hon'ble Supreme Court. The investigation is complete for all intent and purpose, and the charge sheet has been filed. The Applicant has roots in Society. It is submitted that there is no possibility of the Applicant fleeing away or tampering with the witnesses, and if he is enlarged on bail, he will not misuse the liberty of bail.

5. Mr V.B.Konde Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious, wherein the Applicant and the co-accused who were entrusted with the duty to enforce the law have been found to have indulged in the assault on the deceased after he was taken into custody without showing any formal arrest. It is submitted that the deceased was brutally assaulted, resulting in his death. It is submitted that there is every possibility of the Applicant interfering with the witnesses and tampering with the prosecution evidence. The learned APP, in fairness, admitted that the role of the present Applicant is identical with the co-accused Hanmant, who was already released on bail by the Hon'ble Apex Court and parity is applied.

6. This Court has perused the Application, Charge Sheet

filed along with the documents placed on record. It reveals from the record that though the chargesheet was filed on 23.3.2017, the charges were framed only on 4.11.2022. There appear to be more than 200 witnesses. The Applicant has been in custody for almost six years. The co-accused, whose role seems identical to the present Applicant, was already enlarged on bail. Moreover, the co-accused Sudhir, Atul, Sumit and Nitin were also enlarged on bail. The investigation is complete, and the charge sheet is filed. The interrogation of the Applicant is already over, and there is nothing further left to investigate.

7. In such a situation, this Court is convinced that bail can be granted to the Applicant, subject to appropriate conditions.

8. Given the above, the Application is allowed in the following terms :

ORDER

a) The Applicant Rajkumar Bhimashankar Koli shall be released on bail in C.R.No.332 of 2016 registered at Karad Police Station, Karad, District-Satara on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.

- b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- c) The Applicant shall furnish the permanent address and contact details to the Inspector of Police of the concerned Police Station and intimate the change, if any.
- d) The Applicant shall regularly attend the proceedings before the trial Court.

9. Needless to say, violating any of the conditions above will make the Applicant liable for cancellation of bail.

10. 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 the law, uninfluenced by the observations made in this order.

11. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]