

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

BAIL APPLICATION NO.3273 OF 2022

Prashant Vilas Patil

Age 24 years, Occupation: homeguard
presently in Sangola sub Jail,
sangola)

... Applicant.

Versus

The State of Maharashtra

Through Senior Police Inspector,
Sangola Police Station,
Sangola, District -solapur

... Respondent.

...

Mr Laxman K. Kalel, for the Applicant.

Mr M.G.Patil, APP for the Respondent-State.

...

CORAM : R. N.LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard Mr Laxman Kalel, learned Counsel for the Applicant, and Mr M.G.Patil, learned Additional Public Prosecutor for the State.

2. By this application, the Applicant is seeking bail in connection with C.R.No.1394 of 2021 registered at Sangola Police Station, Solapur against the Applicant and other co-

accused for the offences punishable under Sections 394, 397, 279, 427, 120-B r/w Section 34 of the Indian Penal Code, 1860 and Section 184 of the Motor Vehicles Act, 1988.

3. Mr Laxman Kalel, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant has been languishing in jail for more than one year. It is submitted that the FIR was lodged against unknown persons. It is submitted that there is a delay in conducting the Test Identification Parade. It is submitted that the trial is not yet started. The investigation is complete, and the charge sheet has been filed. It is further submitted that this Court has already granted bail to the co-accused, Deepak and Anil. It is submitted that the Applicant has no criminal antecedents and the Applicant has roots in the 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.

4. It is submitted that during the pendency of the bail application before the Sessions Court, the first informant had filed his affidavit and stated that he was under the wrong impression and had reported the matter to the police. In this respect, the learned Counsel has drawn the attention of this Court towards para 6 of the order dated 12.1.2022 of the learned Additional Sessions Judge.

5. Mr M. G. Patil, learned Additional Public

Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the Applicant. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against him. It is submitted that in the Test Identification Parade, the Applicant has been identified, and there is recovery at the behest of the Applicant.

6. This Court has perused the Application, Charge Sheet filed along with the documents placed on record. It reveals from the record that the incident in question had taken place on 8.11.2021. The Applicant was arrested on 13.11.2021. The Test Identification Parade appears to have been conducted on 22.11.2021. Admittedly, the FIR was lodged against unknown persons. The co-accused Anil and Deepak were already enlarged on bail. The Applicant has been behind bars for more than a year. The charge sheet has been filed. The trial is not yet started. Further, it appears that there is a delay in conducting the Test Identification Parade. The Applicant cannot be said to be at flight risk. There is nothing on record to show that the Applicant has criminal antecedents. Moreover, in the order dated 12.1.2022, there is a reference to the affidavit of the first informant, by which he had stated that he was under the wrong impression and had reported the matter to the police.

7. In the circumstances, this Court is inclined to grant bail to the Applicant. The apprehension expressed on behalf of the State that the Applicant may influence witnesses can be taken care of by imposing appropriate conditions.

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

ORDER

- a) The Applicant Prashant Vilas Patil shall be released on bail in C.R.No.1394/2021 registered at Sangola Police Station, Solapur, 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.]