

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

BAIL APPLICATION NO.613 of 2019

Vikas Ganpat Dhas

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Dujendra Kumar Sharma with Mr. Pradyumna D. Sharma for the Applicant.

Mr. A.A. Palkar, APP for Respondent -State.

Ms Najma Patil PI, CID, Satara, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. The Applicant herein, who was a police inspector, has filed this application for bail in Crime No.332 of 2016 registered with Karad (city) Police Station, District-Satara, for the offences punishable under Sections 174 (A), 323, 324, 302, 365, 386 r/w. 34 of the IPC.

2. Heard Mr. Dujendra Kumar Sharma, learned counsel for the Applicant and Mr. A.A. Palkar, learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant was the Investigating Officer in Crime No.257

of 2016 registered at Karad City Police Station for the offences Punishable under Section 379 r/w 34 of the IPC. Said crime was registered pursuant to the FIR lodged by one Vikram Mishrilal Jain alleging theft of gold ornaments valued at Rs.75 lakhs and cash of Rs.2,20,000/-. The Investigating Agency suspected that Dashrath @ Raosaheb Laxman Jadhav was involved in the said crime. A team of police headed by AP- Mr. Kankadki had proceeded to Karmala, District-Solapur to trace Raosaheb Jadhav. He was traced on 17/06/2016. Said Raosaheb left house of his brother-in-law Hiraji @ Anil Dikole on motorcycle. They were chased and made to sit in an Innova Car. A demand of Rs.25,00,000/- was made from Raosaheb by one of the persons in the said Innova car. Raosaheb was brought to Karve Naka Police Chowki, Karad. On 18/06/2016 Raosaheb was rushed to Sahyadri Hospital and he expired 4.45 a.m. It is the case of the prosecution that Raosaheb died while he was in police custody. On 20/6/2016 Anil Dikole filed a report narrating the details of the manner he and Raosaheb was picked up by the police and taken to Karve Naka Police Chowki.

4. It was alleged that said Raosaheb was assaulted by the police while they were being taken to Karve Naka Police Chowki. The first informant had alleged that the deceased Raosaheb was terrorised

by the Applicant and that the Applicant had assaulted Raosaheb with sticks and belt on his back, stomach, private part and thighs and that the assault was so brutal that the stick had broken into two pieces and that he had stopped beating only when he suspected that Raosaheb had succumbed to the injuries inflicted by him. The allegations levelled against the Applicant are of serious nature. The previous bail application filed by the Applicant was withdrawn by the Applicant when this Court had expressed that this would not be a fit case for grant of bail. The only change in circumstance according to the learned counsel for the Applicant is that till date, charge is not framed and trial has not commenced. Considering the gravity of the offence, delay, per se would not justify bail.

5. Under the circumstances, the application is dismissed. Learned Sessions Judge, Karad, is directed to expedite the hearing of the case.

(SMT. ANUJA PRABHUDESSAI, J.)