

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 1245 of 2022

Sachin Subhashrao Jadhav

Versus

The State of Maharashtra, through Police Station Officer,

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.J.Deshpande, Advocate for the applicant.

Ms. Shamsi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 1st DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 818 of 2021 registered with Police Station Darwha, Dist. Yavatmal for the offence punishable under Sections 302, 323 read with Section 34 of Indian Penal Code.

2. The prosecution story is that on receiving information by the police that some persons are creating ruckus in the public and assaulting the public under the influence of liquor, the police conducted the raid and brought some people including the deceased to the police and kept them in custody. It is alleged that police assaulted them by fist and kick. The deceased got serious therein and therefore, he was taken into the

hospital, where he declared brought dead. Accordingly, the above referred crime was registered against the accused persons.

3. The applicant is the writer in the Police Station Darwa.

4. In this case the chargesheet has been filed after the investigation is completed. On perusal of the statement of the witnesses, it can be seen that the deceased Irfan died because of head injury.

5. After going through the chargesheet, it is revealed in the postmortem that no external injury on person of the deceased was noticed.

6. In the said backdrop if the statement of witnesses are considered, it can be seen that the allegations are that accused persons including the applicant assaulted the deceased and other persons with fist and kick. It can also further be seen that the applicant is one of the members of the police staff who had taken the deceased to the hospital.

7. Considering the nature of work assigned to the post of the applicant as a writer in the police station and in absence of any material *prima facie* to show that the applicant is the author of the injury due to which the deceased died coupled with the fact that one of the co-accused who is the driver in the police station was

released on bail by this Court, I am of the opinion that the applicant is entitled for grant of bail. Further more, applicant is in Government service, there is no possibility that he will not be available for trial. In that view of the matter, I pass the following order.

- i. The application is allowed.
- ii. It is directed that applicant shall be released on bail in Crime No. 818 of 2021 registered with Police Station Darwha, Dist. Yavatmal for the offence punishable under Sections 302, 323 read with Section 34 of Indian Penal Code, on his furnishing P.R. Bond of Rs.50,000/- with a solvent surety in the like amount.
- iii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- iv. The applicant shall attend the Police Station Darwha, District Yavatmal on every Monday and Saturday between 3.00 pm and 7.00 pm, till completion of the trial.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.12.03
14:47:29 +0530