

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

BAIL APPLICATION NO.89 OF 2023

SHRIMANGAL DNYANESHWAR KALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents: Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.

DATE : 21.02.2023

PER COURT :

Heard the learned counsel for the applicant and learned the A.PP for the State.

2. Admittedly, the first information report was registered against the unknown person. Thereafter co-accused were arrested. The alleged recovery of weapon was done from them. The present applicant was allegedly absconding for five years. The copy of the case diary has been placed on record showing that the police have made efforts to find out the applicant but he was absconding. There appears material that raises serious doubt about sincere attempts of the police to search the applicant. In case diary he did not obtain signature of the Dy. S. P. who was immediate superior. Every police officer has to report the progress of the investigation to the immediate superior and the immediate superior has to note his remark on the case diary. This

is by way of supervision over the investigation. Therefore, in the absence of remark of Dy. S.P. the case diary showing that attempts were made to search the accused for five years falls under the shadow of doubt. The reason is best known to the investigating officer why he was not immediately arrested. There is substance in the argument of the learned counsel for the applicant that the applicant has been implicated falsely in the crime.

For the above reasons, the application deserves to be allowed.

Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Shrimangal Dnyaneshwar Kale be released on bail, on furnishing P.B. and S. B. of Rs. 50,000/- with one solvent surety of like amount in FIR bearing Crime No. 0475/2017 registered with Police Station Shrigonda, District Ahmednagar for the offence under Sections 396, of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every date of hearing

(S. G. MEHARE)
JUDGE