

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

939 BAIL APPLICATION NO.913 OF 2023
WITH APPLN/2065/2023 IN BA/913/2023

LAKHAN PRALHAD MISAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhosle Abhaysinh K.
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
Advocate for Complainant to assist APP : Mr. Shardul G.
Shinde.

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CORAM : S. G. MEHARE, J.
DATE : 22.06.2023

PER COURT :-

1. This is an example of degrading the legal profession. One can understand from this case how much the litigant overpowered the profession, and law practitioners are providing result-oriented services to please the client without bothering their career. The level of misleading the Court also reached the zenith. It's a matter of serious concern. Whom to believe is a big question. Unfortunately, the newly entered junior lawyers are also involved in such practice by their seniors.

2. The applicant was seeking bail in Crime no. 0315/2020, registered with Police Station Satara, Aurangabad, for the

offence punishable under section 307, 299 of the Indian Penal Code. The State was served with notice. However, On 14.06.2023, the learned Counsel, Mr. S.G. Shinde, appeared and made a statement that he had instructions to appear for the complainant. Time was granted to him to take the instructions. Today the matter was listed for hearing. Suddenly it was revealed that instead of injured or the complainant, the affidavit of the eyewitness was filed, and she gave no objection to bail. The learned counsel for the applicant received its copy in advance. It was a misleading attempt of the counsels and the accused to secure bail. The eyewitness and the applicant were living in-relationship. Therefore, a clear inference can be drawn that he sent her to his counsel to swear in the affidavit. The injured was kept in the dark. The counsel for the applicant is senior to the counsel appearing for the eyewitness, and they are practicing together. This was the level of practice to mislead the Court to please the client. Though the learned counsel for the applicant explained that it was his inadvertent mistake, the facts do not support believing him. His Junior appears to have unnecessarily brought in trouble. He had an opportunity to deny filing such an application, but he did not deny and filed the affidavit of the eye witness. The conduct of the lawyers appearing for the respective parties is a clear

misconduct and liable to be referred to the Disciplinary Committee of the Bar Council of Maharashtra and Goa. Such practice is condemned. For maintaining discipline in the profession, the matter is referred to the Bar Council of Maharashtra and Goa for action against both lawyers for misconduct and misleading the Court.

3. The conduct of the applicant itself is a good ground for rejecting the bail. On merit, also he deserves no bail. Hence, the application stands dismissed. Hence it is dismissed. The Criminal Application to assist learned APP stands disposed of accordingly.

4. Later, both counsels came to me with the office bearers of the Bar Association, sought an unconditional apology and expressed to submit a written unconditional apology. They also requested to expunge the remarks on their conduct and not to refer the matter to the Bar Council of Maharashtra and Goa. They also stated that it was their mistake. Their professional life may be ruined if an inquiry against them is conducted. Considering the unconditional apology they have submitted and the future of the Junior lawyer, keeping the observations on record, the order directing inquiry and action by the Bar

Council of Maharashtra and Goa is called back. The written unconditional apology of the learned counsels is made a part of the record and kept in a sealed packet.

(S. G. MEHARE, J.)

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Mujaheed//