

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

CRIMINAL BAIL APPLICATION NO. 741 OF 2023

Vikas Ganpat Dhas

Age : Adult, Occupation : Service,

R/o. : Plot No.8/2, Shri Krushna Colony,

Patolewadi, Kolhapur.

...Applicant

vs.

The State of Maharashtra

[Through Karad City Police Station

Karad, District : Satara]

...Respondent

Mr.Sanjiv Kadam i/b. Mr.Vishwajeet V. Mohite and Mr.Sandip Babar
and Mr.Siddharth R. Karpe – Advocates for Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

Ms.Vaishnavi Suresh Patil – Dy.S.P. CID – Satara.

CORAM : S. M. MODAK, J.

DATE : 19th APRIL, 2023

P. C. :-

1. Heard learned Advocate Shri.Sanjeev Kadam for the Applicant
and learned APP Shri.H.J.Dedhia for the Respondent-State.

2. The present Applicant is Accused No.1 in the charge-sheet filed
as per the Crime Branch – Satara Unit in an offence bearing No.332
of 2016 registered on 20th June, 2016. One Hiraji alias Anil Dashrath
Dikole who accompanied the deceased from village Ghoti, Taluka :

Karmala, District : Solapur to Satara City has lodged this Complaint. It was registered under Sections 302, 365, 386, 324, 323, 506 read with 34 of Indian Penal Code, 1860 [“IPC”]. There are various Police Officers personally named in the FIR including the present Applicant. These Police Officers have arrived at the scene at different stages. The present Applicant came on the scene after the deceased Dashrath alias Raosaheb Jadhav was brought to Karad along with the First-Informant. They were suspected persons. In the Police Station, they were beaten with the help of belt and stick etc.

3. The present Applicant was In-charge of Karad Police Station. There is an allegation that he also beat the deceased with the help of a stick. He instructed the Police Constable – Nitin Anand Yelave of Karad City Police Station to pay the bills of Sahyadri Hospital wherein the deceased was admitted. His supplementary statement is on Page No.174. The Applicant came to be arrested and now, he is behind bar.

4. Learned Advocate Shri.Kadam is praying for bail on the ground of parity. It is for the reason that the Hon’ble Supreme Court has granted bail to Co-accused Hanmant Ningappa Kakandaki. The order is on Page No.207. It reads thus :-

“We have heard learned counsel for the parties.
It is not disputed that the charge sheet has been filed
and the charges are framed only on 04.11.2022.
The appellant has been in custody for almost six years.
In view of the aforesaid, we grant bail to the appellant
on terms and conditions to the satisfaction of the trial
Court”.

The Criminal appeal stands disposed of.”

5. Thereafter, this Court has also granted bail on similar line to Co-accused Rajkumar Bhimashankar Koli in Bail Application No.2308 of 2022 and granted bail to another Co-accused Sharad Somaji Mane in Criminal Bail Application No.3264 of 2022.

6. On the last date, learned APP has submitted that role of the present Applicant is different from the role assigned to the Accused who are granted bail on the ground of non conduct of trial as referred above.

7. Today, he pointed out the statement of Constable Nitin Yevale. According to him, there is one more allegation against this Applicant. In fact, on relevant dates, he was present in the Karad City Police Station. Whereas, by doing manipulation, he has produced the medical case papers showing that he was an indoor

patient. During investigation, it was found that in fact, he was not admitted and even the concerned doctors were joined as Accused Nos.13 and 14.

8. Charge-sheet is filed for the offences punishable under Sections 302, 365, 386, 324, 323, 506 read with 34 of IPC and subsequently, Section 174-A and 204 of IPC were added. Whereas, according to learned Advocate Shri.Kadam, the present Applicant cannot be charged for those additional Sections.

9. The Hon'ble Supreme Court has granted bail particularly on the basis that the Appellant Hanmant was in custody for almost six years and charges were framed on 4th November, 2022. Yet the witnesses are not examined and it is said that the First-Informant has filed an Application for transfer of case from the Court of Additional Sessions Judge – Karad to the Court of Session – Satara.

10. Be that it may, the similar benefit needs to be granted to the present Applicant. Subject to conditions, he can be admitted to Bail.

Hence, following order :-

O R D E R

- (i) Application is allowed.
- (ii) The Applicant – Vikas Ganpat Dhas be released on

bail in connection with C.R.No.332 of 2016 registered with Karad City Police Station – Satara on furnishing personal bond and surety bond of Rs.50,000/-.

- (iii) The Applicant shall not tamper with the Prosecution evidence and/or give threat or inducement to any of the Prosecution witnesses.
- (iv) 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.
- (v) The Applicant shall regularly attend the proceedings before the trial Court.
- (vi) Needless to say, violating of the conditions above will make the Applicant liable for cancellation of bail.

11. 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.

12. Application is disposed of in the aforesaid terms.

13. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]