

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2597 Of 2022

Vikram Chandrakant Pasalkar .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Samir Vaidya with Devyani Dhawale i/b Zaid Anwar Qureshi for the applicant.

Ms.P.N. Dabholkar, APP for the State.

PSI Vinod Shendkar from Chakan police station.

CORAM: BHARATI DANGRE, J.
DATED : 10th MARCH 2023

P.C:-

1 This is the second Bail Application filed by the applicant, pursuant to the rejection of his Bail Application once again by the Sessions Court, pursuant to the liberty conferred on him by the Hon'ble Apex Court by its order dated 2/9/2021.

2 On 5/8/2021, I rejected the application of the applicant, seeking his enlargement on bail in C.R.No. 1036/2020 registered with Chakan police station, where he was accused of offence punishable u/s.392, 395, 120B read with Section 34 of the IPC.

Appreciating the evidence collated in form of charge-sheet, available against the applicant, I have specifically recorded

that the applicant is a Police Officer and his involvement in the offence, is a serious matter, particularly when he is attributed the role of main conspirator. I have also seriously expressed, on being released on bail, the possibility of tampering with the prosecution case cannot be ruled out. This order was taken to the Apex Court by filing a Special Leave to Appeal, when on 2/9/2021, Their Lordships of the Apex Court refused to interfere in the said order and dismissed the SLP.

However, it specifically recorded that as the charge-sheet is already filed, the applicant is at liberty to renew his request for bail after a period of six weeks.

Availing the said liberty, the applicant once again moved the Sessions Court by filing the application. By referring to the order of the High Court and that of the Apex Court, the Special Judge, Khed, on 11/7/2022, considered the application and passed an order in detail.

3 In paragraph no.7 of the order, the Sessions Judge specifically recorded that the charge-sheet do not reveal any change of circumstances and apart from this, the ground on which his release was sought, i.e. treatment of his daughter would not amount to a change in circumstances. Apart from this, the Sessions Judge also took note of the reply filed by the prosecution, stating that the applicant had forged the documents of medical treatment of his daughter and this has resulted in registration of another C.R.No. 421 of 2020 against the present applicant,

which had invoked Section 419, 465, 468, 471 r/w Section 34 of IPC.

With the aforesaid reasoning, by recording that the nature of crime appear to be serious and whatever may be the grounds raised in the application, it do not justify any change in circumstance, the application was rejected by the Sessions Court.

4 I have heard learned counsel for the applicant and I am unable to persuade myself to come to a conclusion, distinct from the one which has been recorded by Addl. Sessions Judge in the order dated 11/7/2022, when the Bail Application filed by the applicant was rejected. Apart from the fact that there is no change in circumstances, the attempt on part of the applicant to forge certain documents which has resulted into registration of a fresh C.R, instead, justify my earlier apprehension that if the applicant is released on bail, he may tamper with the prosecution case.

5 As far as the claim of parity is concerned, the apprehension expressed in the order and which is fortified by an attempt on part of the applicant to manipulate the record for securing his release, amply justify the rejection of the application.

Application is dismissed.

(SMT. BHARATI DANGRE, J.)