



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 BAIL APPLICATION NO. 250 OF 2024

Mahesh Harishchandra Kache

VERSUS

The State of Maharashtra And Another

Advocate for Applicant : Mr. Deelip J. Choudhary
APP for Respondents: Mr. K.S. Patil

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 902 of 2021 registered with Newasa police station, District Ahmednagar for the offences punishable under Sections 166, 166-A, 167, 196, 201, 202, 203, 406, 418, 467, 468, 471, 120-B, 209, 420, 511 r.w. 34 of the I.P.C. His application with similar prayer bearing criminal bail application No. 365 of 2023 came to be rejected by the learned Additional Sessions Judge, Newasa vide order dated 4.1.2024.

2. A report is lodged by the police officer alleging that some documents regarding number of vehicles were fabricated in order to get some compensation from the Insurance company. One of the driver of offending vehicle was not possessing the licence. The tractor and motor cycle involved in the alleged accident were

substituted by other vehicles. The name of one of the driver was also changed. Therefore, the P.I.L. No. 3 of 2020 came to be entertained by this Court and directions were given for investigation of the same. On the basis of said directions, crime in question was registered. Therefore, the criminal law was set in motion against the applicant.

3. Learned advocate for the applicant submitted that two accused are released by the Hon'ble Supreme court and one by this Court. He submits that the applicant has roots in the society. The further custody of the applicant is not necessary for investigation. The applicant will not flee from trial. The trial will take a long period. He therefore, prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the order passed by this Court in P.I.L. No. 3 of 2020, which was filed to curb the fabrication of false documents and committing mischief for obtaining compensation from the Insurance companies. He submitted that the applicant was serving in police department and investigating the said crime. There is possibility of involvement of the applicant in the said crime. He therefore, prayed for rejection of the application.

5. Perused the charge sheet, particularly, the report and the statements of witnesses and other documents as well as the orders passed by the Hon'ble Supreme court and this Court, by which three

accused are released on bail. It is pointed out from the charge sheet that this applicant has got lawful gain out of the said activities and manner in which false documents were fabricated and he used those documents, however, the role of this applicant is not specifically pointed out. In view of the above, without adverting to the merits of the case, considering the role of the applicant that he he was investigating officer, as well as the fact that other co-accused are released on bail, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 902 of 2021 registered with Newasa police station, District Ahmednagar for the offences punishable under Sections 166, 166-A, 167, 196, 201, 202, 203, 406, 418, 467, 468, 471, 120-B, 209, 420, 511 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)