



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 BAIL APPLICATION NO. 1134 OF 2024

VINAYAK KISHAN CHAVAN

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Prashant Prabhakar Giri a/w Mr.
Tathagat V. Kamble.

APP for Respondent/s-State : Mr. S. B. Pulkundwar.

...

CORAM : S. G. MEHARE, J.

DATE : 07.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.199 of 2023, registered with Umri Police Station, District Nanded, for the offences punishable under Sections 302, 109, 364, 420, 468, 471 read with Section 34 of the IPC.
3. The story narrated by the applicant's counsel reveals that the Investigating Officer was dishonest and running after the applicant for extracting money. The son of the applicant who had no concern with the crime was detained illegally. When the writ petition was filed, for the first time the Superintendent of Police woke up and look into the matter as the serious

complaints were made to him. The documents placed on record reveal that the applicant was not assailant. On the contrary, the brother of the deceased seen assailing him. While admitting the deceased to the hospital the name of the applicant was not disclosed. The deceased eloped with the wife of the applicant. His wife and deceased were brought to the house and left to his home where his brother mercilessly beat him. The facts of the case reveals that the level of misuse of the power by the police. Though no sickle was used, it has been alleged that the injuries were caused to the deceased with sickle. It is really a matter of great concern. The protectors are becoming the eaters. For no reason, the applicant has been detained in jail.

4. The learned APP has strongly opposed the application. However, considering the facts, prosecution has no voice to protect the wrong officers and oppose the bail application.

5. In view of the facts of the case and particularly, the dishonest investigation by the Investigating Officer and having no *prima facie* material against the applicant, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

- (ii) Applicant **VINAYAK KISHAN CHAVAN** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the condition not to tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

...

vmk/-