

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

BAIL APPLICATION NO. 1398 OF 2024

Dayanand Rajendra Londhe .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Viresh V. Purwant a/w. Mr. Vijay R. Garad, for the Applicant.
Ms. S. S. Chaudhari, APP, for the Respondent – State.
Mr. Abhijeet Suresh Shivthare, AIG of Police, (Law & Order), D.G.
Office, present.
Mr. Raviraj Kamble, PSI, present.

CORAM: MADHAV J. JAMDAR, J.
DATE: 08.05.2024

P. C.

1. Heard Mr. Purwant, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C. R. No.	995 of 2023
2.	Date of registration of F.I.R.	25.12.2023
3.	Name of Police Station	Mohol, District - Solapur
4.	Sections invoked	307, 385, 341, 323, 504 & 506 of the I.P.C., 1860
5.	Date of incident	25.12.2023
6.	Date of arrest	25.12.2023
7.	Date of filing of Charge-sheet	February, 2023

3. As per the prosecution case, the incident in question has taken

place at about 8.15 a.m. on 25.12.2023. At that time, as per the prosecution case, the Applicant abused the informant and demanded an extortion amount of Rs.20,000/-.

4. It is the contention of Mr. Purwant, learned Counsel for the Applicant that the Applicant has lodged several complaints against Police officials including on 01.12.2023, 12.12.2023 and 18.12.2023. He also submitted that he has lodged one F.I.R. in the year 2019 and that the same was not properly investigated and therefore, he was having a grievance against the Police officials of the Mohol Police Station, District – Solapur. He submitted that as he has filed several complaints, the police officials of Mohol Police Station are lodging false FIR against him. He submitted that the F.I.R. was registered on 25.12.2023 at 16.48 hours. As per the F.I.R., the incident in question has taken place on 25.12.2023 at about 8.15 a.m.. He submitted that his two-wheeler vehicle is having a G.P.S. System. He submitted that as per the trip history report, at the relevant time, he was at Barshi, District – Solapur. He submitted that there is a statement of one witness, who claims to be an eye-witness to the incident namely Ravi Shivaji Sarvade (Page No. 105). He submitted that the said witness is a stranger and therefore, the Test Identification Parade was conducted. However, he has been identified by the father of the said witness and not the said witness himself. He pointed out the Medico Legal Certificate (Page No. 124) which shows that the injuries are simple in nature. He submitted that the Applicant is incarcerated

since 25.12.2023. He submitted that although injuries are simple in nature, Section 307 of the *Indian Penal Code, 1860* ("IPC") is also invoked. Mr. Purwant, learned Counsel for the Applicant submitted that the Applicant will also be filing separate proceedings seeking quashing of the complaints and also seeking other directions. He submitted that registration of the F.I.R. against the Applicant is totally mala fide. He therefore prayed that the Bail Application be granted.

5. On the other hand, Mr. Chaudhari, learned APP tendered an affidavit-in-reply of Mr. Abhijeet Suresh Shivthare, AIG of Police, (Law & Order) dated 08.05.2024. He submitted that there are about seven F.I.R.s lodged against the present Applicant. He submitted that as per the F.I.R., a serious offence has been committed by the Applicant. He submitted that as far as actions taken against the complaints lodged by him are set out in the affidavit-in-reply. He submitted that in the Test Identification Parade, witness Ravi Shivaji Sarvade has identified the Applicant, however wrongly his father's name is mentioned. Therefore, he prayed that the Bail Application be rejected.

6. A perusal of the record shows that the incident in question has taken place on 25.12.2023. The F.I.R. was lodged on 25.12.2023. The Applicant was apprehended on the very day i.e. on 25.12.2023. The Charge-sheet was filed in February 2023. Thus, investigation is complete.

7. The injuries are simple in nature. *Prima facie*, there is

substance in the contention of Mr. Purwant, learned Counsel for the Applicant that Section 307 of the IPC is incorrectly invoked.

8. In any case, as the Charge-sheet is filed, the Applicant can be released on bail by imposing conditions.

9. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:

ORDER

(a) The Applicant - Dayanand Rajendra Londhe be released on bail in connection with C. R. No.995 of 2023 registered with the Mohol Police Station, District- Solapur on his furnishing P. R. Bond of Rs. 10,000/- with one or two sureties in the like amount.

(b) The Applicant is permitted to furnish cash bail surty in the sum of Rs. 10,000/- for a period of two months in lieu of surety.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Mohol Police

Station, District – Solapur as and when called for by the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. The Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

15. It is clarified that the Applicant is at liberty to file appropriate proceedings with respect to his grievances noted in the submissions advanced by Mr. Purwant, learned Counsel appearing for the Applicant.

[MADHAV J. JAMDAR, J.]