

(1985) 11 BOM CK 0004

In the Bombay High Court

Case No : Criminal Application No. 1547 of 1985

Rajendra Sadashiv Rasal and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 11-11-1985

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439, 482

Citation : (1987) 2 BomCR 287

Hon'ble Judges : S.M. Daud, J

Bench : Single Bench

Advocate : K.Y. Mandlik, for the Appellant; Y.V. Patil, Assistant Public Prosecutor, for the Respondent

Judgement

S.M. Daud, J.—This is an application for bail under sections 439 and 482 of the Criminal Procedure Code, 1973.

2. The applicants are in custody pending the investigation of a crime allegedly committed by them on October 9, 1985. It is alleged that relations between them on the one hand and Manohar Vir on the other, are strained. Manohar was charge-sheeted for the alleged killing of the brother of applicant No. 1. He was convicted on a lesser count and sentenced to an unbelievably low term of imprisonment. This angered applicant No. 1 who took a vow on the bier of this deceased brother that he would take revenge. Manohar was released after serving the sentence, and it is after that the incident figuring in the present case took place. On 9-10-1985, the applicants surrounded Manohar somewhere in the vicinity of the residence of the Police Inspector at Barshi and gave him a thrashing with deadly weapons. It was a miracle that Manohar survived. Even since the occurrence, Barshi town is ridden with fear and tension. In the course of investigation, the applicants were apprehended and remanded to custody.

3. Applicants moved the Sessions Court at Sholapur for being released on bail. This was turned down on the ground that applicants were dangerous characters who were likely to tamper with the evidence, and, that in any case their release

would give rise to unmanageable tension and crime in the town.

4. Counsel for the applicants and the Public Prosecutor have been heard. All said and done, it has to be conceded that the applicants have not committed an offence punishable with death or imprisonment for life. It is quite likely that their release will give rise to tension in the town, and, that the limited police force, will be hard put to manage the law and order situation. Even so, this is something which can be taken care of by placing suitable conditions upon the applicants. To my mind, directing the applicants to stay away from the Barshi township for a period of one month as from the date of their release, and, reporting daily to the nearest police station will be a sufficient safeguard. Hence the order.

ORDER

Applicants directed to be released on their furnishing bail in sum of Rs. 2000/- each with one or two sureties in the like sum. They shall stay out of Barshi for a period of one month as from the date of their release. Every day until the expiry of the month mentioned above, they shall report their presence between the hours of 3.00 to 6.00 p.m., at Pangri Police Station in the Taluka of Barshi, District Sholapur. They shall of course refrain from the intimidating witnesses likely to be examined at the investigation enquiry and trial. Either party will have the liberty to move the Sessions Court for variation of the aforesaid terms. Let this order be communicated at once through applicants' Counsel to the jail in which the applicants are lodged and the Police Station in Barshi town.