

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4539 OF 2015

Akshay s/o Babasaheb Jadhvar,
Age 23 years, Occu. Agriculture,
R/o Tadgaon, Taluka Kallam,
District Osmanabad

.. Applicant

Versus

The State of Maharashtra
through Police Station Officer,
Gategaon Police Station,
Gategaon, District Latur

.. Respondent

Mr A.R. Devakate, Advocate for applicant
Smt. M.S. Patni, A.P.P. for respondent

CORAM : A.I.S CHEEMA, J.

DATE : 21st September 2015

PER COURT

Heard Counsel for the applicant and learned A.P.P. for State.

2. It is claimed that an incident of dacoity in Petrol Pump in the vicinity of village Sakhara Shivar, District Latur took place on 10th July 2015 night. First information report was filed against unknown persons. The applicant was arrested on suspicion on 20th July 2015 and since then he is in jail.

3. Counsel for applicant submits that the applicant is not involved in the offence. He does not even reside in the area concerned. The contents of first information report show that the same is not inspiring confidence, as some of the persons were sleeping in another room and in spite of the incident they did not wake up. It is stated that there is no reason why the applicant should be continued to be kept in

prison, as already two months have passed from his arrest and as such, he deserves to be released on bail.

4. Learned A.P.P. submits that the contents of the first information report show that the dacoits entered the petrol pump and assaulted the complainant and threat was given using sword, iron rod and other instruments while some of the dacoits were standing outside waiting in TATA Sumo jeep.

5. Learned A.P.P. submits that TATA Sumo jeep belongs to relative of present applicant, which has been seized in the investigation. She further submits that from the applicant stick has been seized which was used at the time of incident. She submits that test identification parade was held and applicant was identified. She submits that if the applicant is released on bail, he will tamper with the evidence and may not become available at the time of trial.

5. Heard Counsel for both the sides. Gone through the first information report. It gives details as to incident which occurred and as to how the dacoity occurred. It appears that applicant has been identified in test identification parade, as well as stick has been recovered from. In view of these circumstances, I do not feel it appropriate to release the applicant on bail. The learned A.P.P. pointed out that the weapons from other accused like sword, pistol, iron rod etc. have also been recovered. Keeping in view these facts, it is necessary that the applicant should be available at the time of trial.

If he is released, he may not become available. The application stands rejected.

6. At this stage, learned Counsel for the applicant makes a request that he wants to withdraw the application. The request is rejected.

(A.I.S. CHEEMA, J.)

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