

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

**928 CRIMINAL APPLICATION NO. 4394 OF 2016  
WITH  
APPLN/3982/2016**

**BALASAHEB S/O PUNDLIK GITTE  
& ANR.**

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Mr. T.M.Venjane & Mr. V.B.Dhage,  
Advocates for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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**CORAM : A.M.BADAR, J.**

**DATE : 15<sup>th</sup> SEPTEMBER, 2016**

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**PER COURT :**

1. The applicants Balasaheb s/o Pundlik Gitte and Pappu @ Kiran s/o Arun Methre, who are accused in Crime No. 114/2014 registered at Renapur police station, Tq. Renapur, Dist. Latur for the offences punishable U/ss 395,216-A of the Indian Penal Code and u/ss 3, 25 of the Indian Arms Act, by these applications are seeking their release on bail after filing of the charge sheet.

2. Heard the learned counsels for the applicants. They argued that the test identification parade is not conducted by the prosecution as per the provisions of the Criminal Manual. It is further argued that the applicants are students and as the informant is resident of other place, further pre-trial detention of the applicants is not warranted. It is argued that the role attributed to the applicant Pappu @ Kiran s/o Arun Methre is only of giving abuses by standing outside the vehicle.

3. The learned A.P.P. opposed the application by contending that both the applicants are identified by the witness and the applicant Balasaheb s/o Pundlik Gitte has criminal antecedents. It is also pointed out that the applicant Balasaheb s/o Pundlik Gitte had filed application for grant of bail after filing of the charge sheet and that application was subsequently withdrawn.

4. Perused the charge sheet. Similarly, perused the order passed by this Court in Criminal Application No. 977 of 2016 filed by the applicant Balasaheb s/o Pundlik Gitte. On 29/02/2016, that application, which was moved after filing of the charge sheet, was withdrawn and accordingly the same was dismissed as withdrawn.

5. Perusal of the charge sheet shows that the informant Dnyaneshwar Devidas Mhetre was driving the container and witness Lingraj Bandayappa Birajdar was accompanying him in that container apart from Yogesh.

According to the informant, that container was intercepted by Indica car and 4 accused persons alighted from that car. The informant averred that he as well as his associate Lingraj Birajdar were robbed of their money amounting to ₹ 36,350/- by the accused persons.

6. It is seen from the charge sheet that both the applicants were subjected to test identification parade and witness Lingraj Birajdar had identified both the applicants. Whether that test identification parade was properly conducted or not is a subject matter of trial. Then there is evidence of recovery. That apart, the applicant Balasaheb s/o Pundlik Gitte has criminal antecedents.

7. Considering the nature of crime and its impact on the society as well as the fact that the offence alleged against the applicants is punishable with life imprisonment no case for bail is made out. Hence, the following order.

(i) Both the Criminal Applications stand rejected.

(ii) Considering the nature of the offences and the liberty of the witnesses, the learned trial Court is requested to expedite the trial.

**[A.M.BADAR, J.]**