

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

934 CRIMINAL APPLICATION NO. 1194 OF 2017

MUKUND @ GOTYA @ MAYA S/O SHRIRAM JOGDAND
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. I.D. Maniyar, Advocate, for applicants.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 24 March 2017

ORDER:

1) The application is filed for bail. Both the sides are heard.

2) The crime is registered as against all the applicants for offence punishable under section 399 of the Indian Penal Code at Police Station Beed Rural at Crime No.33/2017. On 27-1-2017 in the night time the police noticed the present applicants and others by the side of the road and they were hiding their presence. After seeing

police they started to run away. Chase was given by police and then some person were taken in custody. Three persons ran away. Persons like Mukund, Avinash, Shahaji, present applicants were caught red handed. Weapons like knife, *sattur* and also chilly powder were found with them. Articles like one long rope was also found. Such articles are generally used for road robbery and so it is the case of the State that they were there for road robbery. So the crime came to be registered for offence punishable under section 399 of the Indian Penal Code.

3) The papers of investigation show that there are statements of police who took action. The learned APP has produced report of investigating officer showing that as against Mukund as many as five crimes are registered and out of those, three crimes came to be registered in the year 2017 for offences punishable under sections 457, 380 of the Indian Penal Code. Similarly, as against Shahaji three crimes came to be registered for similar offences and it was noticed that Mukund and Shahaji were involved in the same offence.

4) In view of the aforesaid circumstances this Court had asked the learned counsel for the applicants to produce record to show that the applicants have permanent residences of some place and they have landed property. It was submitted that they have only ration cards and they have no landed property. The report of inquiry shows that there is no landed property in the name of all these applicants. However, in view of the circumstance that applicant-Avinash has no bad antecedents, this Court holds that bail can be granted to him. When this Court expressed that this Court is not inclined to grant bail to applicants Mukund and Shahaji, the learned counsel submitted that he wants to withdraw the application of Mukund and Shahaji. Liberty is granted to these applicants to apply for bail again to this Court after one month. So, following order.

5) The application of Avinash is allowed. He is to be released on bail in connection with Crime No.33/2017 registered in Beed Rural Police Station for offence punishable under sections 399 of the Indian Penal Code on his furnishing P.B. and S.B. of Rs.15000/-. He is not to

tamper with prosecution witnesses. He is not to commit similar offences.

6) The application of applicants Mukund and Shahaji is disposed as withdrawn with liberty to them to apply for bail to this Court after one month.

7) After dictating the order which was done in open Court but before signing it, the learned Additional Public Prosecutor submitted that on his Mobile No.9881449537 he has received information from investigating officer from his mobile No.9763002274 (A.P.I. Pundge, L.C.B.) that there are as many as seven crimes registered as against applicant Avinash also which are of similar nature viz. under sections 457, 379 etc. of the Indian Penal Code. Such information was not given by learned counsel for the applicant Avinash.

7) In view of this statement, learned counsel for the applicant Avinash was called and he was informed that the bail was granted to Avinash only due to the submission that no crime was registered against Avinash. This Court

expressed that the Court is going to cancel the bail immediately and stay to release *suo moto*. So it is to be treated that the bail already granted to applicant Avinash today is cancelled by this Court and for that hearing was given to the learned counsel for the applicant Avinash. To Avinash also liberty is granted to approach this Court for bail again after one month as such liberty is granted to other applicants.

Sd/-
(T.V. NALAWADE, J.)

rsl