

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

CRIMINAL APPLICATION NO. 1347 OF 2017

1. Yogesh s/o. Dagduba Sawant .. Applicants
Age. 26 years, Occ. Agri.,
R/o. Babargaon, Tq. Gangapur,
Dist. Aurangabad.
2. Kiran s/o. Janardhan Shinde
Age. 25 years, Occ. Agri.,
R/o. Bakawal Nagar, Waluj,
Tq. Gangapur, Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.K.D. Jadhav, Advocate for the applicants.
Mr.A.A. Jagatkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 26.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. The statement is made by learned Counsel for the applicants that this is the first application filed for bail in this Court.

2. The crime is registered on the basis of report given by one Siddheshwar Ghune at C.R. No.23 of 2017 in Vaijapur Police Station for the offences punishable under sections 395, 323 of the Indian Penal Code and section 3

& 5 of the Arms Act. The incident in question took place in the night between 16.01.2017 and 17.01.2017. The complainant was taking boxes of bottles of country liquor in his truck and his destination was Amravati. He has contended that when his truck was at Bailgaon, Tal. Vaijapur, a motor-cycle intercepted the truck. There were three persons on the motor-cycle. When the truck was stopped, the three persons boarded the truck and by pointing country pistol and knife, they made the complainant to move away from driver's seat. Then the complainant was detained by tying his both limbs. The truck was taken from that place to a field. The driver and the cleaner were robbed of mobile and cash amount and they took away the truck along with boxes containing the country liquor. The value of the liquor was around Rs. 25 lakh. During the course of investigation, present applicants came to be arrested. They are identified in T.I.parade. During investigation on the basis of statement given by Yogesh under section 27 of the Indian Evidence Act, 121 boxes of country liquor came to be recovered. The learned A.P.P. submitted that as per police record, 600 boxes came to be recovered from the three accused persons including Kiran.

3. The applicants are behind the bar since 21.01.2017. This Court has asked the learned A.P.P. to

verify as to whether there is possibility that the applicants will abscond. The learned A.P.P. was also expected to make statement regarding bad antecedents of the applicants. The learned A.P.P. submitted that the applicants have permanent place of residence as mentioned by them and the record produced by them and they have no bad antecedents. It can be said that this is their first offence. Their age is 26 and 25 years respectively. In view of the circumstance that no injury was caused by the applicants to the two witnesses, this Court holds that opportunity can be given to the applicants to improve and contest the case effectively. Only due to the circumstance that the applicants have no bad antecedents, this Court is granting bail to them.

i. In the result, the application is allowed.

ii. The applicants (1) Yogesh s/o. Dagduba Sawant and (2) Kiran s/o. Janardhan Shinde be released on bail in connection with Crime No.23 of 2017, registered with Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under sections 395, 323 of the Indian Penal Code and sections 3 & 5 of the Arms Act, on their furnishing PR & SB of Rs.50,000/- (Rupees Fifty Thousand) with one or more solvent sureties in like amount, by each of them.

iii. The applicants are not to tamper with the prosecution witnesses and they are not to commit similar offence.

iv. The applicants are not to leave Aurangabad district without prior permission of learned Additional Sessions Judge, Vaijapur.

[T.V. NALAWADE, J.]