

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

920 CRIMINAL APPLICATION NO. 1448 OF 2017

AJAYSINGH S/O. SHRIRAMCHANDRA RAJPUT
VERSUS
THE STATE OF MAHARASHTRA

Shri. Kiran D. Jadhav, Advocate, holding for Shri. Sopan G. Bobade, Advocate, for applicant.

Shri. S.W. Munde, Additional Public Prosecutor, for respondent.

Coram: T.V. NALAWADE, J.

Date: 11 April 2017

ORDER:

1) The application is filed for relief of bail. Both the sides are heard. Statement was made by the learned counsel for the applicant that this is the first application filed in this Court for bail.

2) Learned counsel for the applicant has placed reliance on the order dated 24-11-2016 made by other Hon'ble Judge of this Court in Criminal Application No. 4954/2016 and submission is made that on the ground of parity the present applicant is entitled to get bail.

3) The material collected and the record show that on 19-8-2015 MIDC Waluj police received some information that some persons were hiding near Foster Company in Jogeshwari area and they had intention to commit road robbery. When police went there at 00.45 hours they noticed that 5 to 6 persons were there. After seeing the police most of the persons ran away. Two persons were nabbed. Gokul was having one country made pistol, one knife and 3 live cartridges. He was having motor cycle bearing No.MH 20-AZ-5521. With the present applicant motor cycle bearing No.MH-20-AW-597 was found and he was found in possession of chilly powder, iron rod and also nylon rope. Both these persons came to be arrested. Present applicant is behind the bars since 19-8-2015. Submissions made show that he is from Madhya Pradesh. Other accused Gokul was from Maharashtra. Learned Additional Public Prosecutor submitted that due to this circumstance Gokul is released on bail by this Court.

4) The submissions made and the record show that almost all the witnesses will be police officers. There

is no record of bad antecedents against the applicant. There is record like residential certificate issued by Tahsildar of Ajaygarh, District Panna, Madhya Pradesh. In view of this circumstance this Court holds that it is not desirable to keep the applicant behind the bars as already he is behind the bars for about 19 months. Charge sheet is already filed for offence punishable under sections 399, 402 etc. of the Indian Penal Code. So following order :-

5) The application is allowed. The applicant is to be released on bail in Crime No.I-234/2015 registered with MIDC Waluj Police Station, District Aurangabad for offences punishable under sections 399, 402 of the Indian Penal Code on his furnishing Personal Bond of Rs.60,000/- with one solvent surety of Rs.30,000/- from Aurangabad and the other solvent surety of Rs.30,000/- should be of Ratanpur, Bahirwara, Ajaigarh, Tahsil Ajaigarh, District Panna, Madhya Pradesh. The applicant is not to commit similar offences. He is not to tamper with prosecution witnesses. He is to be regular in attending the case.

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

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