

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

22 CRIMINAL APPLICATION NO. 1672 OF 2017

SIRSATH W/O. VAKILYA BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

Shri. N.S. Ghanekar, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 24 April 2017

ORDER:

1) The application is filed for bail. Statement was made that this is the first application filed for bail in this Court. Heard both the sides. Papers of investigation were made available to this Court.

2) Charge-sheet is filed against the present applicant and others for offences punishable under sections 395, 120-B of the Indian Penal Code. Still some accused are absconding. The incident in question took place on 27-10-2016 near Bhendala Fata, Gangapur. One

Malhari Gatkal approached Rajendrakumar Jain, first informant. He told that there was some gold with some persons and they were ready to sell the gold at lower price. Jain was lured due to the offer and so he went with Gatkal. Gatkal introduced Jain to some persons and one piece of gold was shown by those persons to Jain. When Jain confirmed that the piece was of gold, he agreed to purchase the gold which was with them for consideration of Rs.1.5 lakh. Then on 27-10-2016 he went to the spot with money. According to him, present applicant and others were waiting for him and they robbed him of that amount. He immediately approached police. Police made search and they took applicant and 4 others in custody. Amount of Rs.20,000/- was recovered from the present applicant. Charge sheet is filed for the aforesaid offences against the applicant and others.

3) The learned Additional Public Prosecutor submitted that in the past also one crime was registered against the present applicant for offence punishable under section 399 read with 34 of the Indian Penal Code. No other antecedents are given. The applicant is behind the

bars since 28-10-2016 till today. It is not certain as to how much time will be required for disposal of the case. In view of these circumstances, this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case which is filed against him. The learned Additional Public Prosecutor submitted that still some accused are absconding. This circumstance cannot be used for rejecting the bail application.

4) The application is allowed. The applicant is to be released on bail in Crime No.436/2016 registered in Gangapur Police Station, District Aurangabad for offences punishable under sections 395, 120-B of the Indian Penal Code on his furnishing Personal Bond of Rs.50,000/- with one or more solvent sureties in the like amount. He is not to tamper prosecution witnesses. He is not to commit similar offences. He is not to leave Aurangabad District without prior permission of the Sessions Court.

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

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