

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

CRIMINAL APPLICATION NO. 2530 OF 2017

1. Gayabai w/o Darasing Bhosale **... Applicants**
Age 36 Years, Occu: Agriculture,
R/o Pimpalwadi (Gairan),
Tq. Gangapur, Dist. Aurangabad
2. Jalubai w/o Raju Bhosale,
Age 36 Years, Occu: Agriculture,
R/o Pimpalwadi (Gairan),
Tq. Gangapur, Dist. Auangabad

VERSUS

The State of Maharashtra **... Respondent**
Through Police Inspector,
Gangapur Police Station,
Dist. Aurangabad.

Mr. A.B. Gaikwad, Advocate for the applicants

Mr. S. B. Joshi , APP for the State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Gaikwad, learned counsel for the applicants and Mr. Joshi, learned APP for the State.

2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No. I-436/2016, registered with Gangapur Police Sation, Dist. Aurangabad for the offences punishable under Section 395 read with Section 120(B) of the Indian Penal Code.

3. The incident in question took place on 27.10.2016 near Bhendala Phata, Gangapur. One Malhari Gatkhal approached the informant- Rajendrakumar Jain. He told that there was some gold with some persons and they were ready to sell the said gold at lower price. The informant Jain lured to the offer and so he went with Malhari Gatkhal, who introduced Jain to some persons and gold was shown by those persons to Mr. Jain. When Jain confirmed the piece shown to him was of gold, he agreed to purchase the same from those persons for consideration of Rs.1.50 lakhs. On 27.10.2016 when he went to the spot with money, according to him the present applicants and others were waiting for him and they assaulted him and robbed him of the amount. He somehow escaped from there and immediately approached the police. Police made search and took the applicants and other accused persons in custody. After as usual investigation, chage-sheet came to be filed.

4. Learned Advocate appearing for the applicants points out that one of the accused Sirsath Bhosale was released on bail by this Court by order dated 24th April, 2017 in Criminal Application No. 1672/2017. Learned counsel further submits that the allegation against the present applicants is also about the

assault on the informant. The applicants were arrested, they were interrogated and thereafter remanded to MCR.

5. Hence, considering the fact that another co-accused in the same crime is released bail, the present applicants are also entitled for bail. Hence following order:

O R D E R

- i. The applicants shall be released on bail on their furnishing personal bond of Rs.15,000/- (Rupees fifteen thousand) each with one solvent surety in the like amount.
 - ii. The applicant shall not tamper with prosecution evidence in any manner.
6. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC