

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

934 BAIL APPLICATION NO.1113 OF 2020

1. Aditya S/o Sampat Kolhe
 2. Ameya S/o Shantanu Pol
- ... Applicants.

Versus

The State of Maharashtra

... Respondent.

...

Advocate for Applicants : Mr. N. S. Ghanekar.

APP for Respondent-State : Mrs. P. V. Diggikar.

...

CORAM : V. K. JADHAV, J.

DATE : 08.10.2020

PER COURT :-

1. The applicants are seeking regular bail in connection with Crime No.228 of 2020 registered with Pundalik Nagar Police Station, District Aurangabad for the offences punishable under Section 394 read with Section 34 of IPC. Their two applications with similar prayer came to be rejected by the Additional Sessions Judge, Aurangabad, vide order dated 11.08.2020 in Criminal Bail Petition No.1113 of 2020 and vide order dated 22.09.2020 in Criminal Bail Petition No.1345 of 2020 respectively.

2. Heard both the sides.

3. It appears that the complaint came to be lodged against the unknown person, however, three days after the incident the present applicants came to be arrested in connection with crime of robbery. There is no recovery at the instance of the present applicants, however, it has been alleged that the informant has identified both the applicants in identification parade. It appears that the joint identification parade was conducted and the informant has identified both the applicants in the said parade held on 07.08.2020. It further appears that during investigation, the statement of the informant came to be recorded under Section 164 of Cr.PC. On perusal of the same, it appears that the informant has given reference about the arrest of the three persons by the police in connection with the present crime and there is a further reference that after registration of the crime, the arrested accused persons are given threats to him. Under these circumstances, *prima facie*, I hardly find any significance in the said parade and the identification of the applicants in connection with the said identification parade. The learned APP has pointed out that there is one crime registered against both the applicants under Section 307 of the IPC, however, the same is of the year 2018.

So far as the charge under Section 394 as against the applicants is concerned, there is no criminal history in connection with the allegations of the robbery. Thus, I am inclined to release the applicants on bail with certain conditions. Hence, following order :

ORDER

1. The application is hereby allowed.
2. The applicant No.1. Aditya S/o Sampat Kolhe and No.2. Ameya S/o Shantanu Pol in connection with Crime No.228 of 2020 registered with Pundalik Nagar Police Station, District Aurangabad for the offences punishable under Section 394 read with Section 34 of IPC be released on bail on furnishing P.B. of Rs.50,000/-(Rupees Fifty Thousand only) each with one solvent surety of the like amount each on the following condition :-
 - a] The applicants shall not tamper with the prosecution evidence in any manner.
3. The application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-