

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 BAIL APPLICATION NO.1162 OF 2020

BAYSHYA S/O. PRAKASH SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Katneshwarkar S. P.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : V. K. JADHAV, J.
DATE : 26.10.2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.59 of 2020 registered with Bembli Police Station, District Osmanabad for the offences punishable under Sections 394, 395, 452 of the IPC. His application with similar prayer came to be rejected by the Additional Sessions Judge, Osmanabad, vide order dated 08.09.2020 in Criminal Bail Application No.298 of 2020.

2. The learned counsel for the applicant submits that the investigation is over and the charge-sheet has been submitted against the accused. The applicant is in jail in connection with

the present crime since long. There is no criminal history. The applicant is having fixed place of residence. The applicant is ready to abide the conditions, if imposed by this Court while enlarging him on bail. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that though there is no criminal history, however, during the course of investigation, at the instance of the applicant, the golden, silver ornaments and the other looted property came to be seized by drawing the panchnama under Section 27 of the Evidence Act and those articles are 53 in numbers. The learned APP submits that daughter-in-law of the informant namely Mukta has identified the said articles. The learned APP submits that there is possibility of committing the similar offence, if the applicant is released on bail. There is also possibility of absconding. Applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that the complaint came to be lodged against the unknown dacoits. It has been alleged that the dacoits entered in the house of the

informant and at the point of knife committed the dacoity. Those unknown dacoits have forcibly taken away the golden ornaments worth of Rs.2,47,250/-. Even in the said process, the dacoits have caused injuries to the daughter-in-law of the informant with the help of knife. The incident had taken place on 30.04.2020, at about 3.00 a.m. The applicant came to be arrested in connection with the present crime on 02.05.2020. During the course of investigation, on 04.05.2020, during police custody, at the instance of the applicant near about 53 golden, silver ornaments and other articles came to be recovered by drawing the panchnama under Section 27 of the Evidence Act. The said injured witness (daughter-in-law of the informant namely Mukta) has identified almost all the ornaments recovered at the instance of the present applicant. Though the learned counsel for the applicant has vehemently submitted that the said recovery is from open place, however, it appears that near the house situated in the agricultural field, the applicant buried the said ornaments and at his instance, those ornaments came to be recovered. *Prima facie*, there is a strong case against the applicant. There is possibility of committing the similar offence, if the applicant is released on

bail. Furthermore, there is also possibility of absconding. Thus, I am not inclined to release the applicant on bail. Hence, I proceed to pass the following order :

ORDER

The application is hereby rejected.

(V. K. JADHAV, J.)

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vmk/-