

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 BAIL APPLICATION NO. 1238 OF 2020

SONAJI LIMBAJI UAJGARE
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent-State : Mr. A. S. Shinde

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CORAM : V. K. JADHAV, J.
DATED : 20TH OCTOBER, 2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 192 of 2020 registered with Wadvani Police Station, District Beed for the offence punishable under Sections 395, 323, 506 of IPC. His application with similar prayer bearing Misc. Criminal Application No. 312 of 2020 came to be rejected by the Additional Sessions Judge, Majalgaon, vide order dated 28.09.2020.

2. Learned counsel for the applicant submits that on the basis of the complaint lodged by the present applicant, crime no. 191 of 2020 came to be registered in the same police

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station against the present informant and six others for having committed an offence punishable under Sections 143, 147, 148, 149, 452, 427, 323, 504, 506 of IPC and Sections 3(1)(r)(s) and 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel submits that in order to counter the said FIR, the informant has lodged the present complaint with false allegations about commission of dacoity. Learned counsel submits that the informant and the applicant and other co-accused persons are knowing each other since long. Even then allegations have been made in the manner that the applicant and the co-accused persons have committed dacoity and on the point of knife snatched golden ornaments and cash amount from the informant. The applicant is in jail since 03.09.2020. There is no criminal history. The applicant may be released on bail.

3. I have heard learned APP for the State. Learned APP submits that *prima facie* there is case against the applicant. The application may be rejected.

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4. On going through the allegations made in the complaint and on perusal of the investigation papers and the annexures to this application, it appears that on the basis of the complaint lodged by the present applicant, crime no. 191 of 2020 came to be registered in the concerned police station against the informant and six others for having committed an offence punishable under various sections of IPC so also under the penal provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It appears that there is previous enmity between the informant and the applicant and other co-accused persons. It is not the case that the informant was not knowing the applicant and the co-accused persons. The allegations have been made by the informant in the manner that the applicant and the co-accused persons are the dacoits and looted the informant on the point of knife at a public place. *Prima facie* it appears that in order to counter FIR No. 191 of 2020, the informant has lodged the complaint implicating the applicant and other co-accused persons in a serious crime punishable under

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Section 395 of IPC with the sole intention that they should not get bail. There is no criminal history. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order.

O R D E R

- I. The application is hereby allowed.
- II. The applicant SONAJI LIMBAJI UAJGARE be released on bail in connection with Crime No. 192 of 2020 registered with Wadvani Police Station, District Beed for the offence punishable under Sections 395, 323, 506 of IPC, on furnishing PB. of Rs.5,000/- with one surety of the like amount on the condition that the applicant shall not tamper with the prosecution evidence in any manner.
- III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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