

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

BAIL APPLICATION NO. 590 OF 2021

Ashok S/o Tukaram Shinde ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr. Pathan Hamzakhan I., Advocate for Applicant
Mrs. D.S.Jape, A.P.P. for Respondent-State
.....

CORAM : M. G. SEWLIKAR, J.
DATE : 03-07-2021.

ORAL ORDER :

01. This is an application under Section 439 of the Code of Criminal Procedure seeking his release on bail.

02. The allegations against the applicant in the F.I.R. are that on 30.03.2021 at 7.45 PM the informant and his two friends had gone out for attending nature's call. Near Sikandar Dhaba six persons wearing masks riding on three motorcycles came from Latur and were proceeding towards Nilanga. Abruptly they stopped their motorcycles near them, took out daggers and beat the informant and his friends. The informant was robbed of mobile. They also robbed their friends of mobile. On these allegations

F.I.R. came to be lodged on 31.03.2021 at 3.28 PM under Section 397 of the Indian Penal Code.

02. The learned Counsel Shri Pathan submitted that the prosecution could not collect any evidence against the applicant. No recovery is effected from him. He submitted that there is no iota of evidence against the applicant. He, therefore, deserves to be released on bail.

03. Mrs. Jape submitted that the applicant is a habitual offender. Soon before the incident the applicant attempted the robbery. F.I.R. has been lodged against the applicant. Identification parade is to be held. If the applicant is released on bail, he will not be available for identification parade. She, therefore, prayed for the rejection of the application.

04. Perused the papers annexed with the application. Nothing is recovered from the applicant. Except the first information report in respect of alleged incident preceding the incident in question, no other offence is registered against the applicant. Just for holding the identification parade the applicant can not be kept behind the bars for indefinite period. Already the applicant is

in jail for the last three months. In this view of the matter, by putting conditions the applicant can be released on bail. In view of this following order is passed :

ORDER

01. The application is allowed.
02. The applicant be released on furnishing P.R. bond of Rs. 50,000/- (Rs. Fifty thousand only) with one solvent surety in the like amount and on condition that the applicant shall not pressurize the witnesses and shall attend the Police Station on every Monday and Friday till the filing of the charge-sheet.
03. Application is disposed of.

[M.G.SEWLIKAR]

JUDGE

Dahibhate/-