

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 690 OF 2021

Jitendra Babusha @ Baburao Bhosale

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. V.S. Undre, Advocate for the applicant.

Mr. S.D. Ghayal, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 17th August, 2021.

PER COURT :

1. Shri Undre, learned counsel for the applicant states that name of the applicant has been wrongly typed as Jalinder. It should be Jitendra.

2. Leave to amend. Amendment be carried out forthwith.

3. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant.

4. Applicant is accused of committing offence under

Sections 395, 396, 397, 413, 413, 109 of Indian Penal Code and under Section 4/25 of Indian Arms Act. Allegations against the applicant are that the applicant and 10 to 15 unknown persons committed dacoity and snatched *mangalsutra* of the wife of the informant of Rs. 9,000/- and injured Indubai Jogdand, Sonar Shankar Manik Kamaji, Shivaji Bansod and the informant as well. On these allegations, First Information Report for aforesaid offences came to be registered against the applicant.

5. Heard Shri Undre, learned counsel for the applicant and Shri Ghayal, learned APP for the State.

6. On perusal of the papers annexed with the application, it appears that almost all the accused have been acquitted in Sessions Case No. 15/2009 registered on the basis of the present First Information Report. Applicant was found to be absconding. According to learned counsel Shri Undre, application was in the village itself. He had not absconded. He states that applicant will attend regularly and punctually all the dates that would be fixed in the trial. He further submits that nothing is recovered from the applicant. Therefore, he deserves to be released on bail.

7. Learned APP submits that the applicant was absconding for a period of 14 years after commission of offence. His whereabouts were not known. If he is released on bail, he is again likely to abscond.

8. The judgment dated 20.06.2016 passed by the learned Additional Sessions Judge, Ambajogai is produced on record. It shows that all the accused except the absconding accused have been acquitted. There is nothing on record to show that any recovery is made from the applicant. In this view of the matter, no purpose will be served by keeping the applicant behind bars. In this view of the matter, I am inclined to release the applicant on bail on condition that he shall remain present on all the dates that will be fixed in the trial. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR bond of Rs.20,000/- (Rs. Twenty Thousand only) with one solvent surety in the like amount in connection with Crime No. 107/2006 registered with Kaij Police Station, Dist. Beed, for the offences punishable

under Sections 395, 396, 397, 413, 414, 109 of Indian Penal Code and Section 4/25 of Indian Arms Act, on condition that he shall remain present on all the dates that will be fixed in the trial.

iii) Application is disposed of.

(M. G. SEWLIKAR)
Judge

dyb