

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO.695 OF 2021

AKASH @ PAPANYA S/O. SAMBHAJI CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

Shri. Ajay Shinde, Advocate for the applicant
Smt. D. S. Jape, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 21st September, 2021

PER COURT :-

1. Heard.
2. Prosecution case in brief is that on 23rd October, 2020 at 01.00 to 02.00 a.m. the informant heard some noise. When he came out of the house, he found 3 persons standing there, out of them two were holding a weapon called *Katawani* i.e. iron rod. All the 3 unknown persons entered his house. One of them delivered a blow of *Katawani* on the right hand of the informant. The other one delivered a blow of *Katawani* on the left hand of the informant. The third one having hazel eyes placed the knife

at the throat and demanded keys of the Almirah. The informant handed over the keys to them. The third one who was short in height opened the cupboard and committed theft of cash of Rs. 71,000/-, one golden neck-lace called *Bormal* and one *Mangalsutra* of his wife. While leaving the house, all of them bolted the house from outside. On these allegations FIR was lodged on 24th October, 2020 on the basis of which offence under Sections 394, 457 read with Section 34 of the Indian Penal Code came to be registered.

3. Shri. Shinde, learned counsel submitted that the applicant is behind bars since November, 2020. He submitted that the other accused who is similarly situated, has been released on bail by the Magistrate. He submitted that the accused who has been released on bail has criminal antecedents. He has, therefore, sought release of the applicant on bail.

4. Learned APP Smt. Jape submitted that the applicant has criminal antecedents. She submitted that the

applicant was identified by the informant in the identification parade. She submitted that recovery is made from this applicant.

5. Charge-sheet is filed. The applicant is behind bars since November, 2020 which means for a period of almost two years is behind bars. The co-accused has been released on bail by the Magistrate. It is true that the applicant is identified by the informant in the identification parade. It appears that the applicant who has been released on bail by the Magistrate is also having criminal antecedents. The applicant has permanent residence at Badalkot, Dist. Solapur. He is not likely to flee from justice. Considering the pandemic situation due to Covid-19, it will not be appropriate to keep the applicant behind bars for an indefinite period. Trial is not likely to conclude in near future. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.

2. Applicant be released on bail on his furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 375 of 2020 under Sections 394, 457 read with Section 34 of the Indian Penal Code registered with Omerga Police Station, Dist. Osmanabad.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp