

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 747 OF 2021

Akash s/o Dilip Pawar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S.K. Chavan, Advocate for the applicant.

Mrs. D.S. Jape, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 8th September, 2021.

PER COURT :

1. Heard.

2. Prosecution case is that the informant got acquainted with the applicant. Applicant represented the informant that one Fakira of Pandharkawade had found gold. Said Fakira agreed to sell that gold to the informant at a cheap rate. The informant had collected Rs. 3,60,000/- from his brother and withdrew Rs.30,000/- from ATM. He had slung the bag of money on his shoulder and was riding on a motorcycle. Soon after, a motorcycle on which two persons were riding who had masked their faces, overtook the motorcycle of the informant and while overtaking, one of them snatched the bag of the informant. Informant fell down and the

mask of one of the riders of the motorcycle lowered down. Informant recognised that person to be the applicant. Applicant ran away with the bag. On these allegations, First Information Report came to registered against five persons vide CR No. 0361/2020 with Kinwant Police Station, Dist. Nanded, for the offences punishable under Section 394, 170, 109 of the Indian Penal Code.

3. Shri Chavan, learned counsel for the applicant, submitted that all the other accused have been released on bail except the present applicant. He submitted that recovery of Rs. 2,64,000/- is effected from the applicant. He submitted that applicant has no criminal antecedents. This is his first offence. He has roots in the society and will be available for trial. He, therefore, prayed for release of the applicant on bail.

4. Learned APP Mrs. Jape opposed the application contending that a huge amount of Rs. 2,64,000/- was recovered from the applicant. If he is released on bail, he is not likely to be available for trial.

5. On perusal of the papers annexed with the charge-sheet,

it is seen that amount of Rs. 2,64,000/- is recovered from the applicant. Charge-sheet is filed. Applicant does not have any criminal antecedent. Nothing is brought on record to show that applicant will not be available for trial. All the other accused are released on bail. Considering the pandemic situation created by Covid-19, trial is not likely to commence in the near future. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order:-

ORDER

- I) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like amount in connection with Crime No. 0361/2020 registered with Kinwat Police Station, Dist. Nanded, for the offences punishable under Sections 394, 170, 109 of the Indian Penal Code.
- iii) Application is disposed of.

(M. G. SEWLIKAR)
Judge