

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

951 BAIL APPLICATION NO.792 OF 2021

Radheshyam @ Raja s/o. Ramrao Chikhale
Age : 35 years, Occu : Driver
R/o. Tq. Partur, Dist. Jalana
At present Pundlik Nagar,
District Aurangabad.

.... APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
Karmad Police Station,
Tq. Karmad, Dist. Aurangabad.

... RESPONDENTS

Shri. Rajendra H. Wagh, Advocate for the applicant
Shri. A. V. Deshmukh, APP for the respondent/State

**WITH
BAIL APPLICATION NO.783 OF 2021**

1. Balwan s/o Chainsingh Pawar
Age : 25 years, Occu. Labour
R/o. Murdabad Tq. Guna,
M.P. at present Wanjarwadi,
Tq. & Dist. Aurangabad.
2. Bhimsingh s/o Chainsingh Pawar
Age : 23 years, Occu. Labour
R/o. As above
3. Hemraj s/o Karansingh Solanki
Age : 20 years, Occu. Labour
R/o. Sawangi, Near Stone Crusher,
Tq. & Dist. Aurangabad.

... APPLICANTS
(Ori. Accused)

VERSUS

The State of Maharashtra
Through Karmad Police Station,
Aurangabad.

... RESPONDENT

Shri. M. L. Wankhade, Advocate for the applicants
Shri. A. V. Deshmukh, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 7th September, 2021

PER COURT :-

. Both these applications can be disposed of by common order as they arise out of the same offence.

1. Heard.

2. Prosecution story is that the applicant on 23rd March, 2020 after locking the door of the informant from outside gained access from the gallery along with 3 accomplices. The mother of the informant noticed that someone was in the house and was trying to open the cupboard. On waking up she saw two persons sitting beside her and one of them had threatened her at the point of knife not to shout. He robbed her of golden *Mangalsutra*, golden chain. When the father of the informant woke up. He tried to catch hold of those persons but they ran away. The father of the informant threw his blanket on the person who was

sitting beside the Almirah. At that time the father of the informant had seen the person sitting beside the Almirha. Those robbers had committed theft of golden and silver ornaments. Showcase was ransacked. Ornaments worth Rs. 1,93,500/- were stolen.

3. On these allegations FIR came to be lodged on the basis of which offence under Sections 392, 452, 395 read with Section 34 of the Indian Penal Code came to be registered.

4. Learned counsel for the applicant states that nothing has been recovered from the applicant. Recovery is from other accused. He, therefore, prayed for releasing the applicant on bail.

5. Learned APP Shri. Deshmukh for the State submits that the applicant has several offences registered against him. Though nothing is recovered from him, he is identified by the father of the informant. Therefore, this is not a case in which discretion can be exercised in favour of

the applicant.

6. Admittedly nothing has been recovered from the applicant. The applicant was arrested on 2nd January, 2021 and incident took place on 5th January, 2021. Identification parade was held on 22nd February, 2021. Applicant is in jail since January, 2021. There are criminal antecedents against him. However, imposing stringent conditions applicant can be released on bail. Having regard to the pandemic situation created due to Covid-19 and the fact that trial is not likely to be commenced in near future. In view of this following order is passed.

ORDER

1. Applications are allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount in connection with CR No. 136 of 2020 under Sections 458, 392, 395 read with Section 34 of the Indian Penal Code registered with Karmad Police Station, Dist. Aurangabad on condition that they shall report to the concerned police

station on every Wednesday between 12.00 p.m. and 4.00 p.m.

3. Applicants shall communicate their mobile number to the concerned police station and shall also provide their place of residence and details of Aadhar card to the concerned police station.

4. Applications are disposed of.

[M. G. SEWLIKAR, J.]

ssp