

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1210 OF 2021

Akshay Rajendra Shinde

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicant.
Mr. V.M. Kagne, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 2nd December, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail on connection with Crime No. 738/2020 registered with Loni Police Station, Dist. Ahmednagar, for the offences punishable under Sections 396, 397, 341 of the Indian Penal Code and under Sections 4, 25 of the Arms Act.

2. It is the case of the prosecution that on 5th September, 2020, informant was driving a truck which was loaded with wheat. The truck was proceeding towards Bangalore by Manmad-Ahmednagar

Highway. On 6th September, 2020, at about 10.15 to 10.30 pm, near toll plaza of village Nirmal Pimpri, six to seven persons in the age group of 25 to 30, started pelting stones at the truck. Out of them, some climbed from right side and some from the left side of the truck. Accused who climbed from the right side threatened the informant and assaulted him by knife and robbed him of Rs. 300/-. Accused who had climbed from the left side of the truck, broke glass of the door and assaulted and threatened Kuldeepsingh by knife on his neck and robbed him of some amount. The truck was stopped at a hotel. Employees working there called the police telephonically. On arrival of the police, injured were taken to the hospital. On arrival, doctor declared Kuldeepsingh dead.

3. Heard Shri Majhar, learned counsel for the applicant and Shri Kagne, learned APP for the State.

4. Learned counsel Shri Majhar submits that the only evidence against the applicant is seizure of knife. He submits that there is no other evidence to connect the applicant with the offence. Identification parade was not held.

5. Learned APP Shri Kagne submits that knife which was seized from the applicant has blood stains and it has been sent to Chemical Analyser for analysis. The report is still awaited.

6. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that prosecution could not collect any evidence against the applicant except seizure of knife. Though it has blood stains, report of Chemical Analyser is still awaited. Learned APP submits that applicant is involved in another crime also. This crime was committed in continuation of the present crime. Applicant is on bail in that crime. Having regard to the evidence collected by prosecution against the applicant, I am inclined to release the applicant on bail. Trial is not likely to be concluded in near future considering the pandemic situation. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.30,000/- (Rs. Thirty Thousand) with one solvent surety in the like amount in connection with Crime No. 738/2020 registered with Loni Police Station, Dist. Ahmednagar, for the offences punishable under

Sections 396, 397, 341 of the Indian Penal Code and under Sections 4, 25 of Arms Act.

iii) Application stands disposed of.

iv) 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)
Judge

dyb