

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

931 BAIL APPLICATION NO.1291 OF 2021

Nitin s/o Ghashiram Rajput
Age: 21 years, Occu.: Service,
R/o. Khaparkheda, Tq.Kannad,
Dist.Aurangabad.

..Applicant

VERSUS

The State of Maharashtra

..Respondent

...

Advocate for Applicant : Shri Sagar S Ladda
APP for Respondent : Shri S.D.Ghayal

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CORAM : M.G.SEWLIKAR, J.

DATE: 30th November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0262 of 2021, registered with Khultabad Police Station, Dist.Aurangabad, under Sections 394, 395, 397, 120-B of the Indian Penal Code.

2. It is alleged in the FIR that one Vijay Asaram Bodakhe is the owner of Jai Shri Ram Servo Indian Oil Petrol Pump situated on connected road Verul to Kannad. On 19th July, 2021 at 01:40 p.m. informant received a call from Satish Chavan informing the complainant that Ashok Gopinath Kakade had fallen from the

Motorcycle and was lying near the flyover in injured condition. It is further alleged in the FIR that bag, which Ashok Kakade was possessing, was snatched by two unidentified persons. Accordingly, Crime under the aforesaid Sections came to be registered.

3. Heard Shri S.S.Ladda, learned counsel for the applicant and Shri S.D.Ghayal, learned APP for the respondent-State.

4. Shri Ladda, learned counsel for the applicant submits that there is no recovery from the applicant. Identification parade of the applicant has also not been held. Charge-sheet is filed.

5. Shri Ghayal, learned APP for the respondent-State opposed the application contending that offence is serious in nature.

6. On perusal of the charge-sheet it appears that there is no evidence against the applicant. No recovery is effected from the applicant either. Identification parade of the applicant has not been held and even then charge-sheet has been filed. There is no *prima facie* case against the applicant. I am, therefore, inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0262 of 2021, registered with Khultabad Police Station, Dist.Aurangabad, under Sections 394, 395, 397, 120-B of the Indian Penal Code
- iii) Bail Application is 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