

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 94 OF 2022

Samadhan S/o Devidas Rathod

Applicant

Versus

The State of Maharashtra

Respondent

Mr. K.N.Shermale, Advocate for the applicant.

Mr. G.O. Wattamwar, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 11th FEBRUARY, 2022.

PER COURT :

1. Heard.

2. Applicant has filed this application for his enlargement on bail alleging that he was driving a truck. On Pune-Nasik road near S.B.S. Petrol Pump, his truck was intercepted by two motorcycles on which four persons were travelling. He was asked to alight. The cleaner of the truck was also asked to alight. Both of them were taken on the motorcycles to an unknown place. They were tied to a Babhul tree and their mouth was gagged by a tape. The informant the cleaner somehow got themselves released and informed

the police. When he came to the spot, they found that the truck was not there. On taking search, the truck was found in Dapur area. It is alleged that cash of the informant was stolen. On these allegations, First Information Report came to be lodged and offence was registered vide Crime No. 0350/2021 registered with Sangamner Taluka Police Station, Dist. Ahmednagar, under Sections 395, 120-B, 201 of the Indian Penal Code and under Section 142 of the Maharashtra Police Act.

3. Learned counsel Shri Shermale submits that there is no evidence against the applicant. Only on the basis of CCTV footage and identification parade, the applicant has been identified. He submits that there is no recovery from the applicant.

4. Learned APP Shri Wattamwar submits that during investigation involvement of four more persons was disclosed. Thus, the offence was committed by eight accused. He submits that one criminal case is pending against the applicant. He, therefore, prays for rejection of the application.

5. Evidence against the applicant is in the nature of

identification parade. Informant has mentioned in the First Information Report that amount of Rs. 3,000/- was stolen from him. There is no recovery from any of the accused. 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.30,000/- (Rs.Thirty Thousand) with one solvent surety in the like amount in connection with Crime No. 0350/2021 registered with Sangamner Taluka Police Station, Dist. Ahmednagar, for the offences punishable under Sections 395, 120-B, 201 of the Indian Penal Code and under Section 142 of the Maharashtra Police Act, on condition that he shall attend the concerned police station on every Monday and Sunday between 12.00 noon and 4.00 pm till conclusion of the trial.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in this 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