

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

BAIL APPLICATION NO. 356 OF 2022

Ananda Devrao Bhosle	... Applicant
Versus	
The State of Maharashtra	... Respondent

AND

BAIL APPLICATION NO. 727 OF 2022

Mohan @ Chota Bapurao @ Rajendra Bhosale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Ms Afreen R. Shaikh, Advocate for applicant in BA/356/2022
Mr. Vaibhav B. Dhage, Advocate for applicant in BA/727/2022
Mr. N. T. Bhagat, Advocate for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 15th JULY, 2022

PER COURT :-

These are the applications for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0228/2020, registered with Malakoli Police Station, District Nanded, for the offences punishable under Sections 397, 394, 459, 342 of the Indian Penal Code.

2. Heard.

Perused the First Information Report (FIR) and the related papers.

3. It is the case of the prosecution that in the night on 18.11.2020, the informant and his wife were fast asleep at their residence. In the midnight, four unknown persons came their home and assaulted both of them severely and left with silver ornaments worth Rs.1,29,100/-.

4. On completion of the investigation, the charge-sheet has been filed.

5. The learned APP would submit that against the applicants, there are more than 11 similar crimes registered at various police stations. At his instance, silver "*Jodwes*" have been recovered. He, therefore, urged for rejection of the application.

6. In the FIR, no description of the culprits has been given. On arrest of the applicants, no test identification (T. I.) parade was held. Description of "*Jodwes*" which were recovered at the instance of the applicants, was not given in the FIR or even in the supplementary statement. Even though, the applicants have criminal antecedents, the quality of material against them in the present case appears to be weak. The applicants are therefore granted bail on condition that they shall attend the concerned Police Station

between 8.00 p.m. and 9.00 p.m. on every alternate day for the next eight months.

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No.0228/2020, registered with Malakoli Police Station, District Nanded, for the offences punishable under Sections 397, 394. 459, 342 of the Indian Penal Code, on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall attend the concerned police station between 8.00 p.m. and 9.00 p.m. on every alternate day for the next eight months.
- (iv) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS