

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

945 BAIL APPLICATION NO.385 OF 2022

1. Khalil Papamiya Javalkar
Age: 40 years, Occu.: Driver,
R/o. Near Chandtara Masjid,
Ambajogai Road, Latur.
2. Javed Shabbir Shaikh
Age: 24 years, Occu.: Driver,
R/o.Harangul, Tq. & Dist.Latur.
3. Mainoddin Modin Shaikh
Age : 50 years, Occu.: Driver,
R/o. Ismalpura, Latur,
Tq. & Dist.Latur.

..Applicants
(Orig. accused)

VERSUS

- . The State of Maharashtra
Through Police Station Officer,
Gandhi Chowk Police Station,
Latur, Tq. & Dist.Latur.

..Respondent

...

**WITH
BAIL APPLICATION NO.395 OF 2022**

1. Datta s/o Rangnath Akrape
Age: 24 years, Occu.: Driver,
R/o.Khanapur Phata, Parbhani,
A/o. 12 No. Pati, Latur.
2. Babasaheb s/o Bharat Takpire
Age: 36 years, Occu.: Driver,
R/o. Near Hanuman Mandir,
12 No. Pati, Latur.

..Applicants
(Orig. accused)

VERSUS

- . The State of Maharashtra
Through Police Station Officer,
Gandhi Chowk Police Station,
Latur, Tq. & Dist.Latur.

..Respondent

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Advocate for Applicants : Shri P.P.More
APP for Respondent : Shri A.V.Deshmukh

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CORAM : M.G.SEWLIKAR, J.

DATE: 31st March, 2022

PER COURT :-

1. Heard.
2. Both these applications are disposed of by common order as they arise out of the same crime.
3. The allegations in the FIR are that the informant has lent his shops on rent to various persons. On 4th February, 2022 at 03:00 a.m., the informant got a message from one Nisar Sayyad Bablu that 15 to 20 persons had assembled in front of his shops with Tempo and Truck. They were cutting the shutters of tenanted shops by means of a cutter. Therefore, the informant and his brother alongwith cousin Shital went to the shopping complex. He found that the persons who had gathered there had cut the shutters of the tenanted shops and had brought out items from these shops worth Rs.8,00,000/- to Rs.10,00,000/-. When the informant objected, those persons abused the informant saying that the shops did not belong to the informant but they were of the tenants. On these allegations, FIR was

lodged on the basis of which Crime No.0069 of 2022 came to be registered with Gandhi Chowk Police Station, Dist.Latur, under Sections 143, 147, 149, 120-B, 323, 504, 395, 447 of the Indian Penal Code.

4. Shri P.P.More, learned counsel for the applicants submits that the applicants are the Drivers of the Truck and Tempo. They have no concern with the alleged offence. They do not have any criminal antecedents.

5. Shri A.V.Deshmukh, learned APP for the respondent submits that charge-sheet is yet to be filed. The complicity of the applicants is evident from the fact that the dacoits were armed with sticks, iron rods and cutters. They were cutting the shutters of the shops but these applicants did not object to it or did not leave the place of incident which clearly show their complicity in the offence. He, therefore, prays for rejection of the applications.

6. Admittedly, applicants are the Drivers of the Trucks and Tempos. Identification parade is not yet held. It is not clear from the investigation papers whether the applicants were the persons who had ran away and apprehended. They do not have

criminal antecedents. Therefore, there is no possibility of repeating the offence. They are not likely to flee from justice. In this view of the matter, I am inclined to release the applicants on bail. Hence, the order :-

ORDER

- i) Bail Application Nos.385 of 2022 and 395 of 2022 are allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.20,000/- (Rs.Twenty thousand only) with one solvent surety in the like amount, in connection with Crime No.0069 of 2022, registered with Gandhi Chowk Police Station, Dist.Latur, under Sections 143, 147, 149, 120-B, 323, 504, 395, 447 of the Indian Penal Code, and on following conditions that :-
 - (a) they shall not tamper the prosecution evidence,
 - (b) they shall not interfere in the investigation,
 - (c) they shall not pressurize the witnesses.
 - (d) they shall attend concerned Police Station on every Monday and Friday between 11:00 a.m. and 04:00 p.m. till the filing of the charge-sheet, and
 - (e) they shall not leave the jurisdiction of the concerned Police Station till filing of the charge-sheet without giving prior intimation to the concerned Police Station.
- iii) Bail Applications are 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

SPT