

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

946 BAIL APPLICATION NO.411 OF 2022

KIRAN @ GANESH RAJENDRA RASHINKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chapalgaonkar Shailesh S.
APP for Respondent : Mr. V S Badakh

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WITH
BA NO. 478 OF 2022

ROHIT ARUN LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kunal A Kale
APP for Respondent : Mr. V S Badakh

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CORAM : SARANG V. KOTWAL, J.
Dated: June 09, 2022

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PER COURT :-

1. Both these applications are decided by this common order, because they arise out of the same registered offence and the same investigation. Wherever necessary, the applicants are referred to by their names.

2. The applicants are seeking their release on bail in connection with C.R.No.738 of 2020 registered at Loni

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police station, District Ahmednagar, on 7.9.2020 under sections 396, 397, 341 of the Indian Penal Code and under sections 4 and 25 of the Indian Arms Act. The applicant Kiran was arrested on 8.9.2020 and the applicant Rohit was arrested on 30.9.2020.

3. Heard Mr. Chapalgaonkar learned counsel for the applicant in BA No.411 of 2022 and Mr. Kunal Kale, learned counsel for the applicant in BA No.478 of 2022. I have also heard learned APP Mr Badakh for the respondent-State.

4. The prosecution story which is mentioned in the charge-sheet which is based on the narration in the FIR is follows :-

The FIR was lodged by one Bhupendrasingh Thakur on 7.9.2020. He has stated that, his friend Kuldeepsingh was the driver of the truck bearing registration No.MP-09/HL-5193. The informant was working with him and used to drive the same truck by turn. On 5.9.2020 Kuldeepsingh Tung started from Indore for going to Bangalore. Truck was loaded with

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wheat. The informant joined the truck from Dudhi, District Dhar. On 6.9.2020, they passed Shirdi. At about 10.15 p.m. about 6-7 persons pelted stones on the truck and stopped it. Two persons from each side of the truck climbed in the cabin. They assaulted the informant as well as Kuldipsingh on their neck with knives. Some assailants assaulted them with wooden sticks. They removed Rs.300/- forcibly from the informant. The informant could not tell how much amount was removed from Kuldeepsingh. The assailants went away. The informant sought help of other truck drivers and took Kuldeepsingh for medical treatment, but he was declared dead. On this basis the FIR was lodged. Investigation was carried out and charge-sheet was filed. The applicants were arrested as mentioned earlier. There were in all 9 accused, out of them 6 are already released on bail.

5. Learned counsel for the applicants submitted that a test identification parade is not held. There is only circumstance of recovery of weapons. Those weapons

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are not connected to the crime and there is hardly any evidence against the applicants. They are in custody since September, 2020. Therefore, they deserve to be released on bail.

6. Learned APP submitted that a stick was recovered at the instance of Rohit and sword was recovered at the instance of Kiran. However, C.A. report does not show presence of any blood on either of these weapons.

7. I have considered these submissions. In this case the evidence against the applicants is really weak. No test identification parade is held. Though, learned APP submitted that Kiran's clothes were seized and sword was recovered at his instance; no blood was found on them. Stick recovered at the instance of Rohit did not show presence of blood. Thus, the evidence against both these applicants practically does not exist. Therefore, though, the matter is serious, because of lack of evidence, the applicants deserve to be released on bail. Hence, following order.

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ORDER

- i. In connection with C.R.No.738 of 2020 registered at Loni police station, District Ahmednagar, the applicant Kiran @ Ganesh Rajendra Rashinkar in Bail Application No.411 of 2022 and the applicant Rohit Arun Lokhande in Bail application No.478 of 2022, are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) each, with one or two Local Sureties each in the like amount.
- ii. The applicants in both these bail applications shall attend the concerned police station once a month till framing of the charge.
- iii. Both the bail applications are accordingly disposed off.

(SARANG V. KOTWAL, J.)

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