

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

BAIL APPLICATION NO.441 OF 2022

Vilas @ Vakilya s/o Baburao @
Babasaheb Shinde

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. N.S. Ghanekar, Advocate for applicant
Mr. A.V. Deshmukh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 28th JULY, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0041/2002, registered at Pachod Police Station, District Aurangabad for the offence punishable under Section 395 of the Indian Penal Code.

2. In this case, the applicant was granted bail by the Court of Additional Sessions Judge way back in March 2004. There is nothing to indicate that his bail was cancelled. The fact is, however, that, the applicant went absconding. He was

arrested in connection with some offence under the Maharashtra Control of Organised Crimes Act (MCOC Act). He was convicted by the trial Court, but has been acquitted by the appellate Court. While he was behind the bar in connection with the MCOC offence, his production was sought to face the trial pertaining to present offence and thereafter he continued to be produced before the Court although he was acquitted in MCOC case. It is, however, informed that, process to compel his appearance in this case was resorted to in terms of Chapter VI of the Code of Criminal Procedure and specifically Section 82 thereof.

3. Without going into the merits of that issue, suffice it to say that the trial Court, on appreciation of the factual matrix, granted bail to the applicant herein. It is informed that, on arrest of the applicant, there was no test identification parade since he was not named in the F.I.R. Only gold ring of 3 gms. was recovered from him. The said ring, however, is not described by the informant or any of his family member during investigation. As such, it is a case for grant of bail. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0041/2002, registered at Pachod Police Station, District Aurangabad for the offence punishable under Section 395, 397, 457, 120-B of the Indian Penal Code on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-