

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

951 BAIL APPLICATION NO.480 OF 2022

SANTOSH SURESH PATHARE
VERSUS
THE STATE OF MAHARASHTRA

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WITH
BA NO. 481 OF 2022

VISHAL KACHRU LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA

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

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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.739 of 2020 registered at Loni police station, District Ahmednagar, on 7.9.2020 under sections 397, 341 of the Indian Penal Code and under

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sections 4 and 25 of the Indian Arms Act. The applicants were arrested on 14.9.2020 and since then they are in custody. Investigation is over and the charge- sheet is already filed.

3. Heard Mr. Kunal Kale, learned counsel for the applicants and Mrs.V.S.Choudhary, learned APP for the respondent-State.

4. The First Information Report is lodged by one Khalid Wahab Shaikh. He has stated that he was a driver. On 6.9.2012 he was driving his truck bearing registration No.MH-15/EG-5808 from Malegaon to Bangalore. One Ayyub Shaikh was accompanying him. At about 10.30 to 11.00 pm they came ahead of Nirmal Pimpri Shivar. They stopped the vehicle for answering nature's call. At that time, about 6-7 persons came there with weapons like sword, stick and axe. The informant's companion Ayyub Shaikh ran away. Those unknown persons entered the truck and took away two bags of the informant and his companion. One of the bag contained Rs.25,000/-, other black coloured bag
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had old clothes and receipts. On this basis FIR was lodged.

5. Learned counsel for the applicants submitted that, there is absolutely no evidence against the present applicants. There is only recovery of bag at the instance of the applicant Vishal, but that is not connected with the offence.

6. Learned APP fairly submitted that there is directly no evidence against the applicant Santosh and there is only recovery of a black coloured bag at the instance of the applicant Vishal. She submitted that the informant is not available for holding identification parade or for identification of that particular bag.

7. I have considered these submissions. I have perused the charge-sheet. There is no evidence against the applicant Santosh. As far as Vishal is concerned, there is recovery of black coloured bag, however, that bag is not identified by the informant; because he is not available. Therefore, at this stage there is hardly any

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material against either of the applicants. In this view of the matter, the applicants deserve to be released on bail. Hence, the following order.

ORDER

- i. In connection with C.R.No.739 of 2020, registered at Loni police station, District Ahmednagar, the applicant Santosh Suresh Pathare in Bail Application No.480 of 2022 and the applicant Vishal Kacharu Lokhande in Bail application No.481 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 sureties each, in the like amount.
- ii. The applicants shall attend the concerned police station once in a month till framing of the charge.
- iii. Both the bail applications are accordingly disposed off.

(SARANG V. KOTWAL, J.)

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