

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

BAIL APPLICATION NO.687 OF 2022

Pravin @ Pratibha Navnath Bhosle ... **APPLICANT**

VERSUS

The State of Maharashtra **RESPONDENT**

.....
Mr. Satej S. Jadhav, Advocate for applicant
Mr. A.V. Deshmukh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th JULY, 2022.

ORDER :

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.859/2021, registered at Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 302, 394, 397, 452 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by one of the victim on 6/11/2021. It is her case that, she along with her husband would reside at Karanji, Taluka Pathardi, District Ahmednagar. They went to sleep by 8.30 p.m. on 5/11/2021. At about 12.00 midnight, she heard barking of dogs outside her house. She made her husband to wake up. No sooner they got up,

two unknown persons, clad in black clothes, entered the house. One of them hit the informant with stick. He robbed her of her 10 gms. Mangalsutra worth Rs.20,000/-. The other one assaulted on the head of the informant's husband with some sharp weapon. He gave number of blows thereof. Since both the informant and her husband raised cries, the culprits fled. Both were rushed to the hospital. The informant's husband unfortunately died of the injuries suffered. Crime, therefore, came to be registered as stated above. Investigation took place. The applicant herein along with three others came to be arrested. Stolen goods claimed to be recovered from others.

3. The learned counsel for the applicant would submit that, the F.I.R. and police papers indicate the offence to have been committed by two persons. The charge sheet has been filed against four. Description of culprits has not been given in the F.I.R. On arrest of the applicant, he was not subjected to test identification parade. Nothing has been recovered from the applicant. He, therefore, urged for grant of bail to the applicant.

4. The learned A.P.P. would, on the other hand, submit that, it is an offence of robbery with murder. The

charge sheet has been filed. Trial Court may be directed to expedite the hearing of the case. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the F.I.R. and the related papers. I am in agreement with the submissions made by learned counsel for the applicant. On arrest of four persons, their photographs were shown to the informant. She identified all of them as culprits while as per the F.I.R., the offence was committed by not more than two culprits. Nothing has been recovered from the applicant herein. Without observing anything more, suffice it to say that, it is a case of grant of bail to the applicant. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.859/2021, registered at Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 302, 394, 397, 452 read with Section 34 of the Indian Penal Code on 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/-