

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

BAIL APPLICATION NO.706 OF 2022

Mr. Devendra Vitthalrao Shinde ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. R.P. Karhadkar, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th JULY, 2022.

PER COURT :

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.267/2021, registered at Shillegaon Police Station, Taluka Gangapur, District Aurangabad for the offence punishable under Sections 394, 341 read with Section 34 of the Indian Penal Code. The F.I.R. has been lodged by the victim himself on 17/9/2021. It is his case that, he was proceeding from Solapur towards his village Dongaon in his car near Pimpalgaon Phata. Three persons on motorcycle intercepted his way. Two pillion riders got down from the motorcycle. One of them opened the door of the car

and snatched the informant out of the car. The informant was relieved of a wallet containing Rs.8000/- in cash and cell phone worth Rs.10,000/-. The culprits fled with the informant's car, leaving him behind. One of the three fled on the motorcycle. The informant has given the description of the culprits as within the age group of 25 – 35 years. All the three were sporting beer. The description of the colour of clothes on their person is also given in the F.I.R.

2. The fact is, however, that the culprits have not been named in the F.I.R. On the very next day, the applicant and one of the co-accused came to be arrested. The third one is reported to have passed away. The record indicates that, on the same night, the culprits committed similar other offence. It is informed that, the applicant has been granted granted bail in that case. Except these two cases, the applicant has no criminal antecedents. He has been identified in the test identification parade. Nothing has been recovered from him.

3. On investigation, the charge sheet has been filed. The applicant has been behind the bars for about last 10 months. He is on bail in another crime. He has no other criminal antecedents. It will take time for commencement

and conclusion of the trial. Pre-trial detention of the applicant, in the facts and circumstances of the case, is unwarranted. Therefore, I am inclined to release the applicant on bail. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail Crime No.267/2021, registered at Shillegaon Police Station, Taluka Gangapur, District Aurangabad for the offence punishable under Sections 394, 341 read with Section 34 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. The applicant shall attend Shillegaon Police Station, District Aurangabad on every Sunday between 7.00 p.m. and 8.00 p.m. until further orders.

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

fmp/-