

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

BAIL APPLICATION NO.748 OF 2022

Satpalsingh @ Chiku s/o Jabirsingh Handi... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Satej S. Jadhav, Advocate for applicant
Mr. S.P. Sonpawale, 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.665/2021, registered with Nanded Rural Police Station for the offences punishable under Sections 394, 395, 397 of the Indian Penal Code and Sections 4/25 and 4/27 of the Arms Act. The F.I.R. has been lodged by the victim himself on 19/9/2021. It is his case that, on the intervening night of 18th and 19th September, he along with his friend were engrossed in discussion in front of house of his friend at Rahmatnagar, Nanded. It was 3.30 a.m. 4 – 6 persons on two motorbikes came there. The informant identified two of them as accused No.1 Ashish and one Chiku

Maharaj (the applicant herein). It is further his case that, the co-accused Ashish fished out a Khanjarand asked the informant to pay him whatever money he had. Ashish relieved the informant of a sum of Rs.25,000/- in cash. He also assaulted him on his left arm. The applicant is alleged to have beaten the other two who were in the company of the informant.

2. The informant then gave a supplementary statement on 10/1/2022 I.e.a about 3 ½ months after the alleged incident, stating therein that the culprits were 7 in number. He stated that there were 7 other persons in the company of accused No.1 Ashish. In this statement, the name of the present applicant does not figure. Again he gave further supplementary statement on 17th January, wherein 6 more persons came to be added as culprits to have been in the company of accused No.1 Ashish for committed the crime in question.

3. The applicant is not attracted with any assault nor has he robbed the informant. True, he was stated to be present at the scene and threatened others who were in the company of the informant. The supplementary statement given by the informant, however, casts doubt over veracity of

the allegations in the F.I.R. The applicant is behind the bars for little over 8 months. This Court is, therefore, inclined to grant him bail. True, he has criminal antecedents, a care thereof can be taken with a direction to attend the concerned police station on every alternate day for next twelve months. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail Crime No.665/2021, registered with Nanded Rural Police Station for the offences punishable under Sections 394, 395, 397 of the Indian Penal Code and Sections 4/25 and 4/27 of the Arms Act 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.
- (iv) The applicant shall attend Nanded Rural Police Station on every alternate day between 8.00 p.m. to 9.00 p.m. for next twelve months.

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

fmp/-