

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

BAIL APPLICATION NO. 775 OF 2022

Ravindra Mubarak Bhosle

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. K.A. Ingle, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 26th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 992 of 2021 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Section 394 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim himself on 03rd December, 2021. It is alleged in the F.I.R. that the informant alongwith his

wife, son and daughter-in-law reside together. On 02nd December, 2021 by 10.00 p.m. all of them went to sleep in their respective rooms. By 12.30 midnight, the wife of the informant heard some sound in the kitchen room. She woke him up to find two persons in the kitchen. One of them was armed with an iron rod and the other one with catapult. They relieved the informant's wife of gold ornaments. A sum of Rs.20,000/- in cash was taken from the drawer. The other one started assaulting the informant with iron rod. On hearing the cries, informant's son got up. It was however, found that the door of his room was bolted from outside. On hearing the cries of the informant, his brother, who resides in the nearby, got up. Sensing the same, the culprits ran away through sugarcane field.

4. The culprits were stated to be in the age group of 25-30 years. They were sporting black pant and black jerkin. One of the two was stout with round shape face. The crime came to be registered. The applicant and the co-accused came to be apprehended. Stolen articles have been recovered from them. Charge-sheet has been filed.

5. Learned counsel would submit that the applicant is just twenty years of age. No test identification parade was held. The offence is triable by the Court of Judicial Magistrate First Class. The applicant is in jail for over seven months. He, therefore, urged for grant of bail.

6. Learned A.P.P would, on the other hand, submit that the applicant has criminal antecedents. If released on bail, the applicant may indulge in similar activities. He, therefore, urged for rejection of the application.

7. Considered the submission advanced. The F.I.R. was lodged against unknown persons. Although description of the culprits has been given in the F.I.R., it appears that on arrest of the applicant, he was not subjected to test identification parade. The applicant is twenty years of age. True, he has criminal antecedents. He is behind the bars for little over seven months. The offence is triable by the Court of Judicial Magistrate First Class. It will take time for commencement and conclusion of the trial.

8. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 992 of 2021 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Section 394 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 mark his attendance every alternate day in the concerned police station between 10.00 p.m. to 11.00 p.m.

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

(R.G. AVACHAT, J.)

SSD