

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

BAIL APPLICATION NO. 868 OF 2022

Parshuram Pandhari Kamble

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. R.S. Shinde, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATE : 14th 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. 18 of 2022 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 392 and 397 of the Indian Penal Code ('I.P.C.').

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 herself. She is an old lady. It is her case that on 17th January, 2022 she had left her daughter's village *Hali* for *Baspur*. She reached *Udgir* by 09.00 in the morning. She was awaiting for a bus for onward journey. One auto-rickshaw came. The rickshaw driver enquired with her as to where she wanted to go. She told

that she has to go village *Valandi*. He told her his surname as Kamble. He also told her to have hailed from the very village *Valandi*. He assured to take her *Valandi*. She, therefore, boarded his rickshaw. Instead of taking to village *Valandi*, he took the informant to a secluded place. The informant having realised something amiss, removed ornaments on her person except *mangalsutra* and concealed in her clothes. The same had, however been seen by the rickshaw driver in the rear view mirror. At secluded place, he manhandled the informant and robbed her of ornaments viz. (i) one gold *bormal* of Rs.40,000/-, (ii) one gold *ganthan* of Rs.20,000/- and (iii) gold beads worth Rs.10,000/-. The rickshaw driver, thereafter, fled from the spot leaving behind the informant. The informant, thereafter called his daughter and other relatives and narrated the incident and lodged F.I.R.

4. Learned counsel for the applicant would submit that the investigation of the crime is over. Charge-sheet is filed. The applicant has no criminal antecedents. It is not a case of offence punishable under Section 397 of the I.P.C. The alleged stolen ornaments of the informant have all been recovered. The applicant is just twenty years of age. He, therefore, urged for grant of application.

5. Learned A.P.P. would, on the other hand, submit that an old woman was robbed of her gold ornaments. She was assaulted as well. One of her teeth was dislocated. According to him, it is not a case to grant bail.

6. In the F.I.R., description of the culprit has been given, on the basis of which the applicant was arrested. True, no test identification parade was held. The stolen ornaments have been recovered from him. Investigation of the crime is over. Charge-sheet is filed. He is in jail for over five months. He has no criminal antecedents. He is just twenty years of age. It will take time for commencement of trial and conclusion thereof.

7. 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. 18 of 2022 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 392 and 397 of the Indian Penal Code, on executing PR. 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, J.)